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CIVIL GRAND JURY

REPORTS



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CIVIL GRAND JURY

REPORTS



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June 30, 2000

The Honorable Alfred G. Chiantelli
Presiding Judge of the Superior Court
Civic Center Courthouse
400 McAllister Street, Department 206
San Francisco, CA 94102

Dear Judge Chiantelli:

Whew!

That sound was the collective sigh of relief exhaled by the San Francisco Civil Grand Jury after completion of "The Turn of the Century Marathon." It was a long and hazardous course but despite the absence of winners' gold medals, we are all extremely proud of our accomplishments while serving our City.

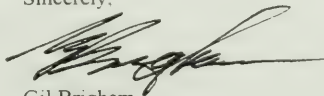
Although the City is presently enjoying flush economic times, no one expects it to continue unabated. So imagine, if we now must eliminate critical services such as a pharmacy, what services will be eliminated when the City coffers are not so full?

Money-draining practices, such as our ever-growing, over blown overtime budgets, must be brought under control. Ironically, financial incentives seem to be the only resolution. Accordingly, the amount of departmental budgets should be partially justified by realistic performance measurements which specifically includes overtime reduction. Furthermore, department heads' bonuses should be contingent upon challenging goals and objectives to reduce overtime expenses.

I would like to suggest a related research project which some local government entity should undertake. A study should be conducted to determine to what degree does on-going overtime contribute to employees' injuries and traffic accidents. Since the fatigue factor cannot be ignored, police, fire and transit personnel should be subjected to this type of correlation analysis. The paying public deserves no less.

Finally, I want to express our deep gratitude to you and your staff for all of your guidance and assistance which was provided during our tenure. I can assure you that this talented jury is comfortable with the thoroughness of our investigations and the conclusions which we have drawn. We have no illusions, however, that we will be free from the traditional barbs and jibes of some defensive responding departments.

Sincerely,



Gil Brigham
Foreman

**MEMBERS OF THE 1999-2000
SAN FRANCISCO CIVIL GRAND JURY**

Gil Brigham, Foreman

Isabel Huie, Secretary

Yoomie Ahn

Davace Chin

David H. Katz

Diane F. Leon

Frederic Linder

Ramona Michaels

Alan Nicholson

Arthur Park

Stephen J. Perry

Marvin Pheffer

Irwin A. Phillips

Robert R. Planthold

Kathryn E. Ringgold

David Sahagun

Rodger K. Scott

John W. Stark

Darian W. Swig

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ANIMAL CARE AND CONTROL DEPARTMENT

Report of the

1999-2000 San Francisco Civil Grand Jury

ANIMAL CARE AND CONTROL DEPARTMENT

SUMMARY

The Civil Grand Jury finds that the Animal Care and Control Department (ACCD) is doing an excellent job of carrying out their departmental duties. We commend the ACCD for doing a fine job.

The Civil Grand Jury recommends that the responsibility for administration of the dog license program be transferred from the Tax Collector to the ACCD. Previous reviews of the ACCD have also made this recommendation, and we find that policy makers have yet to seriously review and implement it. Our review indicates that approximately only 20 percent of all dogs in San Francisco may be licensed. Under the current administrative situation, the Tax Collector cannot dedicate any more personnel to licensing functions. Therefore, the current low rate of licensing is unlikely to improve unless some action is taken. Transfer would give the dog license program not only the chance to become self-supporting, thus reducing impact to the General Fund, but also may generate enough income to fund other ACCD activities and allow the Tax Collector's Office to increase revenue through attention to other revenue functions. Transfer also would allow for better outreach and education opportunities for ACCD. While the transfer might require some initial "seed money", experiences of other Bay Area cities as noted by the Budget Analyst provide strong evidence that transfer of the dog licensing program can result in it being self-supporting.

BACKGROUND

As noted in the Mayor's proposed budget 1999-2000, the mission of the ACCD is to "...effectively, courteously and responsively enforce all animal welfare and control laws and ordinances and to manage and care for the City's stray, abandoned and mistreated animal population."

The ACCD was created July 1, 1989, to take over responsibilities previously under contract by the Society for the Prevention of Cruelty to Animals (SPCA). The ACCD is one of the departments under the umbrella of the Administrative Services Department. The Director of ACCD sits as a non-voting member on the Commission of Animal Control and Welfare; the Commission is an advisory body primarily to the Mayor, Board of Supervisors, and City Administrator regarding the County's objectives with respect to animal control and welfare.

The ACCD is affected by portions of the San Francisco Health, Park, Police, and Business and Tax Regulation Code regulations and state law (see the ACCD web page, www.sfgov.org/acc); California State Food and Agriculture Code 31105 designates county responsibilities and California Health Code Sections 41.4 and 41.5 create and describe the main ACCD responsibilities. The ACCD

ANIMAL CARE AND CONTROL DEPARTMENT

shares a common purpose with the SPCA and has an agreement with the SPCA to achieve that purpose (information available on the ACCD web page).

Several aspects of ACCD responsibilities were previously reviewed by the Budget Analyst for the Board of Supervisors (in a Management Audit of the Tax Collector's Office, dated April 1995) and by the 1996-1997 Civil Grand Jury. The 1995 Budget Analyst Audit recommended that the dog license program be transferred from the Tax Collector's Office to the ACCD, that dog license fee levels be increased, and that veterinarians be required to submit information to the licensing authority whenever a dog is vaccinated for rabies. The 1996-1997 Civil Grand Jury Report reviewed and reaffirmed these recommendations. Of these recommendations, the only one not yet implemented is the transfer of dog licensing responsibilities from the Tax Collector to the ACCD.

METHODOLOGY

This year's Civil Grand Jury toured the ACCD facilities and interviewed ACCD and Tax Collector personnel. Other California and out-of-state animal care facilities were contacted regarding live release rates. We also interviewed a dog advocacy group and a limited number of the general public who are dog guardian/owners.

RESULTS OF INVESTIGATION

1. General

We were impressed with the professional attitude of ACCD personnel and the appearance of facilities. Of particular note was the number of volunteers observed walking dogs and showing obvious concern and kindness to the animals. We observed the ACCD veterinarian performing surgery and noted evident kindness and gentle handling in the treatment of animals.

2. Live-Release Rate

Unlike the SPCA, the ACCD cannot turn away animals brought to it, even if animals are clearly beyond saving. The ACCD live-release rate (i.e., those animals for which homes are found and, therefore, not euthanized) has been increasing for the past several years, from approximately 52 percent in fiscal year 1997-1998 to approximately 71 percent currently. The ACCD expects that its goal next year will be a release rate of 75 percent. Review by the Civil Grand Jury of similar departments elsewhere in California, Ohio and Missouri indicate these other departments have a live-release rate closer to 40 percent, and in

ANIMAL CARE AND CONTROL DEPARTMENT

some rural counties less than 15 percent, which we believe is a clear indication of the well-run nature of the San Francisco ACCD.

3. Dog License Program

The San Francisco Tax Collector currently has responsibility for administration of the dog-licensing program. The 1995 Budget Analyst Report and the 1996-1997 Civil Grand Jury Report both previously recommended that responsibility of the program be transferred to the ACCD. Though no major shortcomings were observed in the Tax Collector's administration of the program, both the Budget Analyst and 1996-1997 Civil Grand Jury concluded that improvements in program implementation would result as a result of the transfer. However, to date this transfer has not occurred.

The major reason to recommend transfer is the estimated relatively low rate of dog licensing in San Francisco. The statistics are not clear since the Tax Collector does not develop, nor are they required to develop, statistics regarding the total number of dogs licensed in San Francisco. The Tax Collector's Office estimates that approximately 4,000 to 5,000 licenses are sold each year. However, this number is approximate as licenses may be bought to apply for one, two or three years. Also, the amount of money derived from license sales is known, but license fees vary depending upon whether or not the dog is neutered, whether or not the guardian/owner is a senior citizen, and whether or not a 1-, 2-, or 3-year license is purchased. Therefore, while the total amount of money derived from license sales in a fiscal year is known, one cannot directly back-calculate to determine the number of licenses.

Also, there are no definite statistics regarding the total number of dogs in San Francisco. In 1995, the Budget Analyst reported a licensing rate of approximately 6.8 percent, derived from an assumption that approximately 177,000 dogs are present in San Francisco, based on national household statistics as applied to San Francisco, and an estimate of 12,000 licensed dogs. The Budget Analyst noted that the total number of dogs might be lower due to the relatively higher number of renters in San Francisco as compared to the national average, assuming that renters have relatively fewer dogs than household owners. Discussions with the ACCD in preparation for this report indicate that there are perhaps 85,000 to 125,000 dogs in San Francisco. Assuming that not much has changed in the last five years such that current estimates also apply to that time period, then the number of dogs licensed was somewhere between 10 to 14 percent.

Section 41.15 of the Health Code requires that a dog license be obtained. Section 41.18 of the Health Code was instituted several years ago (after the Budget Analyst and 1996-1997 Civil Grand Jury Reports were issued) to require

ANIMAL CARE AND CONTROL DEPARTMENT

all San Francisco veterinarians to fill out a form and notify the licensing authority whenever any dog was vaccinated for rabies. (Currently, a dog license is not required in order to get a dog vaccinated for rabies, but verification of rabies vaccination is required in order to obtain a dog license.) This information is then used by the licensing authority (currently the Tax Collector) to determine whether or not the vaccinated animal had a license; if not, notification is sent to the household requesting that a license be obtained. Discussions with the ACCD in preparation for this report indicate that perhaps 20,000 dogs are currently licensed. This would be an increase of approximately 8,000 licensed dogs from 1995, which could possibly be attributed to the vaccination notification program. However, assuming that only 20,000 dogs out of a total of 85,000 to 125,000 dogs are licensed, current licensing rates can be estimated at somewhere between 15 to 24 percent. While this percent is higher than in 1995, the rate of dog licensing remains regrettably low.

The Budget Analyst, the 1996-1997 Civil Grand Jury, and this Civil Grand Jury believe that the percentage of dogs licensed would increase if the program were to be run by the ACCD. The benefits of a high rate of dog licensing include:

- the ability to identify a guardian/owner if a dog is found;
- assurance of a large percentage of the dog population having a rabies shot (benefit for general community health);
- in the unfortunate event of a dog bite, greater assurance of immediate confirmation that rabies is not involved;
- better statistics on dog populations and dog guardian/owner populations, which would allow for better planning and development of public policy;
- better education and outreach opportunities;
- increased revenues, which would not only make the dog license program self-funding but ensure that animal populations continue to be served 24 hours a day, seven days a week;
- a probable reduction in use of General Fund monies by ACCD.

The Tax Collector currently uses temporary workers to perform dog-licensing tasks. The Tax Collector notes that increases to the current level of dog licensing have actually made it harder for the Tax Collector Office to operate the program. All monies derived from license sales go to fund the ACCD; therefore, an increase in the number of dog licenses does not directly benefit the Tax Collector's Office, but does further strain its resources. Transfer of the dog licensing program to ACCD would allow Tax Collector Office personnel to concentrate on other priorities, such as collection of delinquent revenue or the Taxpayer Assistance Unit. While we have not performed a detailed review, it could possibly be argued that, if properly administered, revenue obtained from the time spent on collection of delinquent revenue might exceed that which is now obtained from time spent on the dog license program.

ANIMAL CARE AND CONTROL DEPARTMENT

If administration of the licensing program were transferred to the ACCD and more dogs licensed, more revenue would be provided to the ACCD. Such a program would require additional staff; however, ACCD management believes that additional licensing revenue would eventually not only cover the added operational costs, but also help fund other ACCD services currently subsidized by the General Fund, thus reducing the total amount of funding required from the General Fund.

The ACCD is funded by a combination of General Fund monies and the City's Animal Welfare Fund. In accordance with the requirements of Section 10.117-87 of the Administrative Code, which establishes the Animal Control and Welfare Fund, all fees and donations collected by the ACCD for the sale, redemption or surrender of impounded animals and all fees collected by the Tax Collector for dog licenses, dog kennel licenses and cat registrations are placed in the Fund. All ACCD expenditures in excess of the amount in the Animal Welfare Fund are supported by the General Fund. Approximately \$200,000 is generated for the Animal Welfare Fund each year. ACCD annual operating expenses are approximately \$2.5 million, most of which therefore comes from the General Fund. The ACCD estimates that administration of a license program would require an additional three persons. The cost of such a program, including salaries, benefits, and office supplies, is estimated to be approximately \$190,000 dollars.

Two new California laws may further significantly increase the animal population sheltered at ACCD facilities. State Assembly Bill (AB) 1856 requires all shelters and rescue groups in counties over 100,000 population to spay or neuter dogs and cats before adoption. The requirements of AB 1856 went into effect this year and will end in 2006. State Senate Bill (SB) 1785 generally requires that all impounded animals be held for a minimum of six business days instead of 72 hours. Also, guardian/owner-relinquished pets must be held for two business days until July 1, 2001, after which they must be held for the same length of time as other animals. Possible over-crowding and costs associated with SB 1785's mandates were a source of major opposition by shelters; however, the California Constitution requires the state to reimburse local agencies for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1 Million statewide and other procedures for claims whose statewide costs exceed \$1 Million. SB 1785 provides that, if the Commission on State Mandates determines that the bill contains costs mandated by the State, reimbursement for those costs shall be made pursuant to these statutory provisions.

The ACCD currently handles approximately 20,000 animals each year and expects that AB 1856 and SB 1785 will increase the daily animal population by

ANIMAL CARE AND CONTROL DEPARTMENT

approximately 35 percent, to approximately 27,000 animals yearly. In that ACCD responsibilities may be increasing, it only makes sense that, to the extent possible, the ACCD be allowed to derive more of its budget from its own activities rather than rely on the General Fund. As the Budget Analyst noted, the ACCD has better access to dog guardian/owners and more expertise with animals than the Tax Collector's Office.

Also as the Budget Analyst noted, experience with similar program funding in other Bay Area programs (San Mateo, as well as South Bay - a combined effort by San Jose, Milpitas and Santa Clara) there is a strong expectation that the number of licensed dogs should rise substantially. In response to the 1996-1997 Civil Grand Jury Report, the ACCD noted that sufficient background work had been done to analyze the cost and benefits of such a transfer. The ACCD noted that, with only a slight increase in a General Fund subsidy for the first year or so, ACCD believed the dog-licensing program would be fully self-supporting in a very short time (i.e., the program would not supply the full ACCD budget, but would generate revenue to cover its own costs). The ACCD believed this so firmly that the ACCD did not believe that a trial period of transfer was necessary.

Given the conclusion from several different perspectives (ACCD, Civil Grand Jury and Budget Analyst) that increased revenues would result, and use of General Fund monies would decrease, we find it disheartening that policy makers have not yet given the transfer serious consideration and a chance to succeed. In response to the Budget Analyst Report, the Tax Collector's Office noted that such a transfer would allow personnel to concentrate on other duties such as collections or the Taxpayer Assistance Unit.

As a final note, during our investigations we received comments from dog guardian/owners that the dog licensing forms should be made as accessible as possible. Currently, dog license forms may only be obtained either at the Tax Collector or ACCD offices. In addition to maintaining the selling of licenses at these two locations, ideas for betterment included posting the dog license application on the ACCD web page such that it could be downloaded, filled out, and mailed in, as well as involving veterinarians willing to sell dog licenses through their offices. Other ideas included selling dog licenses at the various dog-related activities given periodically throughout the City, or occasionally giving incentives to first-time dog licenses such as free dog tags or discount coupons in conjunction with willing vendors. While it may be the law to obtain a dog license, it must also be noted that the easier the process, the more dog licenses that will probably be sold.

ANIMAL CARE AND CONTROL DEPARTMENT

CONCLUSIONS

- (1) The Civil Grand Jury finds that the ACCD is doing an excellent job of carrying out their departmental duties.
- (2) Though no major shortcomings were observed in the Tax Collector's administration of the dog licensing program, improvements in program implementation are possible. The ACCD, which has a more vested interest in the goals and outcomes of the dog licensing program, is a more logical owner of the program. The benefits of the ACCD handling the dog licensing program would include:
 - a likely increase in the number of dogs licensed, resulting in increase to concurrent benefits for dog guardian/owners and general public health considerations;
 - better statistics on dog populations and dog guardian/owner populations, which would allow for better planning and development of public policy;
 - better education and outreach opportunities;
 - increased revenues, which could not only make the dog license program self-supporting but ensure that animal populations continue to be served 24 hours a day, seven days a week;
 - a probable reduction in use of General Fund monies by ACCD;
 - possible increase in revenues to the Tax Collector due to increased attention to other priorities such as delinquent revenue.

RECOMMENDATIONS

- (1) The Mayor's Office of Budget should effect the transfer of responsibility for the dog license program from the Tax Collector to the ACCD.

The prior Budget Analyst and Civil Grand Jury Reports recommended that the ACCD be required to submit a report to the Mayor and Board of Supervisors at the end of the fiscal year regarding the effectiveness of the trial transfer. However, we do not include this as a recommendation in this report and leave it to the discretion of the Mayor's Office.

Required Response

Mayor
The ACCD
Treasurer/Tax Collector
Director of Administrative Services

ANIMAL CARE AND CONTROL DEPARTMENT

- (2) The ACCD should prepare draft changes to the applicable sections of the San Francisco Health Code that would be necessary to effect transfer of dog license program responsibility from the Tax Collector to the ACCD. Thought should be given to making the proposed new dog license program as convenient as possible for those who need to buy dog licenses, including interaction with local veterinarians and posting of the license application and instructions on the City website.

Required Response

The ACCD

- (3) We recommend that the Animal Control and Welfare Commission actively support the initiative to transfer responsibility of the dog license program from the Tax Collector's Office to the ACCD.

Required Response

Animal Control and Welfare Commission
The ACCD

- (4) We recommend that the Board of Supervisors support the initiative to transfer responsibility of the dog license program, particularly with the need of initial seed money to set the program up within the ACCD such that it has the opportunity to become self-funding.

Required Response

Board of Supervisors
The ACCD
Treasurer/Tax Collector

CLUB PERMITS

Report of the
1999-2000 San Francisco Civil Grand Jury

CLUB PERMITS

SUMMARY

Many of San Francisco's dance clubs are located in San Francisco's South of Market (SOMA) area, which is policed by the Southern District station of the San Francisco Police Department (SFPD). All clubs operate under permits issued by the SFPD. In recent years, the Southern District station has acted to suspend and/or terminate a number of these club operating permits for a variety of incidents ranging from drug use and dealing inside of clubs to theft of property such as cell phones and excessive noise.

The efforts of the Southern District to rein in the clubs became publicly controversial in July of 1999 when the SFPD sought the suspension of the operating permits of the City's largest dance club, Ten 15 Folsom, for negligent management.¹ This report is the result of the Civil Grand Jury's investigation of the SFPD's club permitting process, which has been criticized as being unfair to club owners. Based upon that investigation, the Civil Grand Jury recommends a reconsideration of the permit process to ensure equal treatment of applicants and permit holders, while providing appropriate penalties for clubs that pose public health and safety concerns.

BACKGROUND

A club owner must have several permits to operate a club: a Place of Entertainment permit, a Dance Hall Keeper permit, a Cabaret permit, and, if the club is to remain open after 2 a.m., an Extended-Hours or After-Hours permit. San Francisco is the only jurisdiction in the Bay Area that issues extended-hours and after-hours entertainment permits. Across the City, 88 club permit-holders hold extended-hour permits, which allow an establishment to stay open after 2 a.m. until a stipulated time. Forty-eight permit-holders possess after-hours permits which allow them to stay open during the hours of 2 a.m. to 6 a.m. Several of these after-hours permits held by SOMA clubs allegedly became the target of the Southern District's permit office.

The SFPD Permit Office is an administrative function of the SFPD. All applications are processed in a central office located at the Hall of Justice on Bryant Street. A brief description of the permit process follows.

An application for a proposed nightclub must first be approved by the City's Planning Commission, which checks the use for compatibility with the area in which it will be located. Upon approval by the Planning Commission, the applicant submits an application for operating permits on forms provided by the SFPD Permit Office. A publicly-noticed hearing is scheduled. If at the hearing,

¹ Most of the media coverage over the SFPD's permit actions have centered around two clubs with after-hours permits, Ten 15 Folsom and the Endup. Other clubs whose permits have been suspended or threatened with suspension include Six and Maritime Hall.

CLUB PERMITS

no objections to the application are raised and the district permit officer and district commander recommend that the application be approved, the police captain heading the Permit Office will make a recommendation for approval to the Chief of Police, who almost always grants a conditional permit based on his subordinates' recommendations.² The conditions that apply to the permit are not standardized and vary from applicant to applicant, although the Good Neighbor Policies for Nighttime Entertainment Activities set forth in the Section 803.5(g) of the San Francisco Planning Code are generally attached to permits issued by the Southern District.

San Francisco Police Code Section 1060.20(2) allows the Chief of Police to suspend or revoke a Place of Entertainment permit if he finds that a club has significantly increased the level of noise and disorderly conduct in the area of the establishment. The process for the suspension or revocation of permits is complaint-driven. A district permit officer will record all incidents that the SFPD attributes to a club (such as reported criminal activity in and around a particular club, 911 calls from the club, and complaints from private citizens) and prepare an official complaint citing those incidents. The officer will then issue the complaint and call a permit hearing that is presided over by the captain of the Permit Office.

At the permit hearing, the district permit officer presents the police complaint against a club and gives reasons for the suspension or revocation of a permit. The club has the opportunity to refute the complaint and argue against the suspension or revocation at the hearing. After hearing both sides, the Permit Office captain makes a recommendation about the proposed suspension or revocation to the Chief of Police. Of course, if the SFPD never issues a complaint against a club, there is no need for a permit hearing and the club operates as usual. All permit decisions are appealable to the Board of Appeals. The appeals process usually takes a couple of months. Continuances can be obtained so that clubs can continue to operate during the appeal.

The SFPD estimates that around 8,000 to 10,000 people come to SOMA on a typical weekend night, and believes that most clubgoers are not San Francisco residents, but visitors from surrounding East Bay, South Bay, and Marin counties. Some club owners believe the opposite, estimating that the majority of their patrons are local residents. Whoever is right, San Francisco's nightlife draws people, residents and visitors, to the City for entertainment.³

² The San Jose Chief of Police also reviews applications for and issues public dancehall and public entertainment permits. In Los Angeles, applicants apply to the Board of Police Commissioners (which includes civilians appointed to serve on the commission), which issues all police permits required for certain types of businesses, such as dance clubs.

³ Emulating SOMA, the area south of First Street in downtown San Jose is being marketed as "SOFA (South First Area), The Bay Area's Newest Entertainment District," featuring live music, dancing clubs, dining, pool, and art galleries.

CLUB PERMITS

The presence of large numbers of people within the district's boundaries means that the police in the Southern District have to deal with more incidents and problems than if there were no crowds of people. While they recognize that this goes hand-in-hand with the existence of clubs and bars, they believe that "after-hours" clubs present even more trouble, claiming, for instance, that when the clubs stop serving alcohol at 2 a.m., drug use goes up. Citing problems of drug use, noise, and crime, and the resulting cost of police services to the area, the Southern District believes that the elimination or restriction of after-hours permits, and therefore the reduction of club hours of operation, is in the best interests of area residents, Southern District police officers, and the community at large.

One critical problem involving clubs, which the police are attempting to clamp down upon, is drug activity within clubs. Drug use is undeniably widespread in San Francisco and there is a clear connection between certain drugs and the club scene.⁴ These club drugs, sometimes called "designer drugs," include Ecstasy, speed, and GHB (gamma-hydroxybuterate), that are used at bars, clubs, raves⁵ and dance events. While the use of Ecstasy has received much media attention, the use of GHB is potentially deadly and its dangers should be publicized. Taken at raves and clubs, GHB is colorless and odorless and is often brought into the clubs in water bottles, which are passed around and shared. When combined with alcohol, GHB can be lethal or coma-inducing. Most users are recreational users who are white and between the ages of 20-29.⁶ In the first five months of 1997, San Francisco emergency rooms reported 35 GHB poisonings, a figure which accounted for 48 percent of all state-wide GHB poisonings. San Francisco also ranked in the top five cities in the United States with the most GHB emergency room episodes from 1991 to 1995.

Noise and the resulting disruption of the lives of neighboring residents are also problems related to clubs. A few years ago, residents of 11th Street personally sued the owners of the now-defunct club known as V/SF for routinely failing to lower the volume of music played in the club or to control rowdy patrons. However, while some SOMA residents may object to clubs on specific quality of life issues, they may not have as many objections as the police have represented. Some neighborhood association members have publicly stated that while clubs should respect the concerns of residents and work with them, recent police actions against clubs might be excessive and that efforts to curtail nightlife might cause the area to lose its unique character as an area for live music and late-night entertainment.

⁴ See, e.g., "Status Report: GHB Use In San Francisco," Department of Public Health, Community Substance Abuse Services, October 21, 1997.

⁵ Raves are all-night indoor or outdoor dance parties often held illegally in large private spaces without permits and primarily attended by teenagers and young adults who listen to electronic and trance music.

⁶ See "Status Report: GHB Use In San Francisco," supra.

CLUB PERMITS

METHODOLOGY

The Civil Grand Jury interviewed SFPD police officers, a former Los Angeles Police Department officer who is an expert witness on drug issues, club owners and staff, club advocacy group representatives, neighborhood group representatives, and public health officials. Grand jury members also attended community meetings, went on police ride-alongs in the Southern District, and reviewed official police complaints, local laws and regulations, and television and newspaper media coverage on the issue.

CONCLUSIONS

1. Recent police actions to suspend or revoke club permits are in part based upon incidents that are not fairly attributable to club management.

The basic premises of the SFPD with respect to clubs that are negligently managed are: (1) the clubs constitute a "threat to the health, safety, and welfare of the community" by bringing in the wrong element (either patrons or persons who prey on patrons) to the city; (2) the clubs are a "repeated disruption to the neighborhood" and especially to residents who live nearby; and (3) the clubs are a constant "strain on police services" because police resources are expended to respond to complaints and calls related to the clubs.⁷

The SFPD's present practice is to cite all incidents which they believe are related to a club as evidence of negligent management. So, when a club's security staff calls the police to arrest an unruly person trying to get into the club or the paramedics to assist a drunk and dehydrated dancer, these responsible acts on the part of club management are used by the police against the club at a later date. Even incidents which take place outside of a club's premises and over which club management has little or no control, such as car break-ins in alleys on nearby streets or "suspicious" persons hanging around the club's premises, are cited in the police complaints and permit hearings to suspend or revoke a club's permits. Anonymous third-party complaints about a club may also be used to institute permit suspension or revocation proceedings.

Earlier this year, the Maritime Hall received notice that its permits were under threat of suspension based on 22 incidents alleged by the police to have occurred over the course of five years. The police complaint appears to be based upon incidents which arguably are not directly attributed to the club's management because they involve the acts of individuals outside of the club's premises or because they lack

⁷ SFPD Complaint against Vincent Healy Bino, et al. (d.b.a. Annie's Bar & Grill), March 6, 1999; SFPD Complaint against Carl F. Hanken (d.b.a. "End Up"), October 18, 1999.

CLUB PERMITS

independent substantiation. The incidents include, for example, reports of persons loitering outside, fights between patrons, and a police officer allegedly smelling the odor of marijuana in the club.

Music and live entertainment venues add significantly to the culture of the City, as they have for years. Much of the new music being created today is electronic music that is played in and supported by the clubs in SOMA and the rest of the City. Clubs can be seen as a vital part of the City's culture. Unfortunately, drug use is a part of the club scene. But while there may be a correlation between clubs and drugs, the presumption of a cause-and-effect relationship is mistaken. The problem of drugs extends beyond the club environment. The London Drug Policy Forum has reported that with drug-taking prevalent throughout modern youth culture and not just amongst clubgoers, efforts to stop drug use outright are less effective than harm-reduction efforts such as educating users about the effects of drugs and how to prevent overdoses. The Forum also reported that good relationships between the police and clubs lead to increased reporting of drug-related incidents to local authorities.

A senior epidemiologist with the San Francisco Community Substance Abuse Center who has studied the use of GHB informed Civil Grand Jury members of their belief that while people take GHB in club settings, people would frequent private parties and raves instead if there were no clubs open late. In his opinion, people are actually at greater risk of harm if they use GHB and other drugs outside of the clubs because private, unregulated parties will not have staff who can work with the police and call for help in emergencies.

Police services are paid for by taxpayers, which include clubowners, employees, and clubgoers. One club reported to the Civil Grand Jury that it employed 63 people in 1999 and paid over \$14,000 in local payroll, business, and property taxes and over \$130,000 in sales tax. Another reported that it drew an estimated 200,000 to 300,000 people every year and had patrons coming from all over the world to attend promoted events. Clubs are legitimate businesses which generate sizable revenues for the City. Admittedly, their operations also generate public health and welfare issues which need to be addressed. But removing the permit process from the police who could focus on enforcement of the laws applicable to clubs, instead of on the administration and adjudication of permits, is a sensible solution that recognizes the rights of clubs that operate responsibly and the efforts of the police in protecting citizens and maintaining the peace.

2. The permit process as established appears to allow the police to set public policy regarding the existence of after-hours clubs.

CLUB PERMITS

One case in point is that of the DNA Lounge nightclub. Last August, the club was purchased by a new owner who applied to the Southern District's permit office for a transfer of the club's existing operating permits. The permit office approved the application, but made the issuance of the permits contingent upon 18 new conditions. The conditions effectively revoked the club's after-hours operating permit, which allowed the club to stay open until 6 a.m. every day and without which the club would have had to close at 2 a.m. on weekdays and Sundays and prohibit people from entering after 2 a.m. on all nights. The new owner brought an appeal to the Board of Appeals, which overturned the police decision.

One of the charges of the new owner was that the police were imposing a de facto moratorium on after-hours clubs. While there is no official moratorium, no after-hours permits appears to have been granted in SOMA in the last five years. The reason for this is not clear. One police officer acknowledged to the Civil Grand Jury that the problems with clubs are not correlated to the holding of after-hours permits. In fact, with many clubs closing at the same time, at 2 a.m., the police often have difficulty dealing with incidents occurring at different places at the same time.⁸ Occasionally, the district will run out of officers and have to draw on other districts to respond to calls. However, after-hours clubs, however, close at different hours, which can reduce the burden on police at concentrated times.

By enforcing the permit process in the manner that it does, the Southern District of the SFPD essentially sets policy on after-hours entertainment in SOMA. While the desire of the police to reduce problems related to clubs is laudable, the role of the police is to protect the public and preserve the peace, not to set public policy on the hours that businesses are permitted to remain open. If elected officials make the legislative determination that after-hours clubs are detrimental to the public's health and welfare and should be eliminated, that is the proper function of that branch of government and not a proper function of law enforcement.

RECOMMENDATIONS

1. The City should establish a permit commission based on the model presented by the ISCOTT licensing commission.

⁸ Civil Grand Jury members went on two separate police ride-alongs with officers from the Southern District. Both evenings were uneventful and passed with little incident. Crowds coming from the clubs dispersed peacefully when the clubs closed down. Although these experiences are not held out as representative, they suggest that the operation of clubs and the presence of clubgoers in SOMA is generally manageable and can be effectively policed without the need to unduly restrict club hours or permits.

CLUB PERMITS

Attempting to address the issue of fairness in the permit suspension and revocation process, Supervisor Mark Leno recently proposed legislation to create a "safe haven" for owners and event promoters who call 911 in emergencies.⁹ Because 911 calls were being counted as black marks against the clubs and used by the SFPD to justify the revocation of club operating permits, club owners were deterred from calling 911. Such a situation not only penalizes those owners who act responsibly towards their customers by calling for help, but jeopardizes the health of those who need emergency medical care. The legislation proposed by Supervisor Leno also calls for Legislative Analyst research on the creation of an entertainment commission which could potentially address all issues related to late-night entertainment venues such as dance clubs, such as permitting, labor, health, consumer, planning, and public nuisance issues.¹⁰

Because the creation of an all-encompassing entertainment commission may prove to be unworkable, the Grand Jury recommends that a new, smaller commission be established exclusively to handle entertainment venue permits in San Francisco. This commission could be modeled after the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), established in 1983 to consider all applications for the temporary use or occupancy of public streets for street fairs or athletic events such as the annual Bay to Breakers race.¹¹

ISCOTT consists of the department heads, or their designated representatives, from the departments of Parking and Traffic, Public Works, Police, Fire, Public Health, Municipal Railway, and City Planning. The Director of the Department of Public Works, or his or her designee, serves as the Chair of the committee. Although not on the committee, the Director of Administrative Services, or his or her designee, reviews the recycling plan for the proposed event and makes a recommendation to the committee about whether or not the committee should approve the application.

A permit commission could consist of the same department heads or representatives as those serving on ISCOTT. Not only would the participation of other departments make the permit process less partisan because of the diversification of views, but it would eliminate the inherent conflict caused when the same department issuing the permits and retaining authority to revoke or suspend permits also builds cases against permit holders. Under the current process, the police act as "judge, jury,

⁹ "Leno to Introduce 'Safe Haven Laws' in Response to GHB Problem in Clubs," January 24, 2000 press release from the office of Supervisor Mark Leno.

¹⁰ Dance clubs are arguably better classified as places of entertainment akin to the PacBell ballpark or the Metreon, as opposed to businesses such as strip-clubs or massage parlors. The new ballpark and the Metreon are also venues that attract large crowds, thereby requiring additional police services.

¹¹ See Section 800 et seq. of the San Francisco Traffic Code.

CLUB PERMITS

and executioner." Moreover, the inclusion of other departments in the process would be beneficial in addressing larger issues of municipal services and planning for the SOMA area. For example, if MUNI were to participate in such a commission, the department might be alerted to the need for the area to have additional public transportation on certain nights. The scheduling of additional bus routes might thereby reduce some of the car traffic in the area and, subsequently, traffic violations would be reduced.

The San Francisco Traffic Code sections that govern ISCOTT and its application review and approval process set out the prerequisites for applying for and the conditions for obtaining permission for the temporary use or occupancy of a public street. A process similar to that used by ISCOTT could be established for a permit commission. The commission could review applications and decide, by majority vote, whether to grant, conditionally grant, or deny the application. Examples of conditions imposed by ISCOTT on the grant of an application include the applicant's payment for the cost of Parking Control officers and 10(B) police officers, the development of a limousine and shuttle bus plan mutually acceptable to the Mayor's Office and the SFPD, or payment for the cost of advance warning signs.¹² Club permit applications could also be conditioned upon the applicant's satisfaction of specific security, noise, health, and other conditions. Suspensions or revocations of permits could similarly be decided. An appeal of a decision could be made first to the director chosen to chair the commission, who, after conducting a hearing, would affirm, reverse, or modify the commission's decision. A further appeal could be taken to the Board of Appeals, which currently hears these appeals.

As part of an interdepartmental commission, the SFPD would no longer control the permit process. However, as a part of the commission, the SFPD would be able to present evidence and reasons in support of their position on a given application. Each department could also bring a suspension or revocation action against a permit holder, by submitting a factual report to the commission for its consideration. In this proposed model, the Department of Public Health could argue for the suspension of a club permit because the club does not provide a safe dance environment (e.g., by failing to employ emergency medical technicians or to supply free or low-cost water to patrons).

¹² See, e.g., Minutes of January 27, 2000 Meeting of ISCOTT, reflecting approvals of temporary street closure applications for the Union Street Arts Festival, parking for NBA All-Star Weekend limousines and shuttle buses, and the San Francisco Pride 2000 Celebration, respectively.

CLUB PERMITS

Required Response

Mayor
Board of Supervisors
The SFPD

2. The conditions for clubs to meet should be standardized and specified in the Police Code, as with the conditions imposed on applicants for street use permits.¹³

Currently, the conditions imposed upon permit holders vary in type and severity depending upon the permit officer's personal determination and opinion about an applicant or permit holder. Department heads provide only verbal guidance to permit officers; there are no written guidelines for permit officers to follow. Instead, the permit officer interviewed by the Civil Grand Jury said that the conditions imposed on permit holders are based on "good sense and good police work." Such vague and subjective bases for setting permit conditions do not make for just decisions about business permits.

The club owners interviewed by the Civil Grand Jury report frustration in their dealings with the police over the policing of permits because they do not know what standards they are being measured against or what requirements will next be instituted by a permit officer and a district captain. As one owner put it, the police are constantly presenting club owners with a "moving target" when it comes to permit conditions.

The Civil Grand Jury recommends that the conditions that clubs must meet in order to operate, and that the police should enforce, should be standardized and specified in the Police Code. For example, clubs, depending upon their size, could be required to have a certain number of security guards or trained medical personnel for a given number of patrons. They could be required to secure the area surrounding their premises up to a specified number of feet and to monitor patrons waiting in line to get into the club. Clubs could also be prohibited from allowing patrons to go in and out, or required to provide a "cooling-off" room with air conditioning and water.

Closing all clubs at 2 a.m. is not the answer to the drug problem and it may displace the problem to unregulated, non-commercial locations. Instead, a working relationship between police and club owners is likely to be more effective in the fight against drugs. When club owners are made aware of the standards to which they will be held before the permits which they need to operate are jeopardized, they will not only be more likely to

¹³ See San Francisco Traffic Code Section 807 (applies to all applicants granted permission).

CLUB PERMITS

meet those standards, they will be more likely to cooperate with the police on all matters.

Required Response

Mayor
Board of Supervisors
The SFPD

3. Applicants and permit holders should be treated equally throughout the permit process.

One club owner told the Civil Grand Jury that he would welcome a permit process that treated all clubs the same, so that he could operate his club on a "level playing field" with his competitors. Allowing some clubs to operate between the hours of 2 a.m. to 6 a.m. but not others places those that do not at a disadvantage because they lose the customers who want to stay out late. After-hours and all other permits should be issued in a fair and equal manner, with permit holders being subject to the same conditions.

Required Response

Mayor
Board of Supervisors
The SFPD

4. Permit holders should be fully informed as to the types of incidents that will be attributed to them as permit violations and subject them to a permit hearing for the suspension or revocation of permits.

Presently, the SFPD does not have any rules or published guidelines on what should constitute a complaint attributable to nightclubs. Therefore, the police may cite incidents or crimes occurring on neighboring streets to clubs, in the belief that these incidents and crimes happen there because the clubs attract people to the area. This practice appears to be flawed and unfair to clubs because, by extension, the merchants in Union Square, the San Francisco Giants at PacBell Park, or the operator of any large venue in the City should likewise be held responsible for the incidents and crime occurring near their premises due to the crowds that they draw.

SFPD permit officers are given only general guidance by department heads about what incidents may be used in a permit hearing. The police

CLUB PERMITS

have stated that they attribute the drug activity outside of a club to that club because the club attracts people who "might be predisposed to late-night drug use."¹⁴ Thus, the SFPD, by threatening to revoke the permits which clubs need to operate, effectively hold the clubs responsible for the acts committed by a handful of individuals, some of whom may not even be club patrons.¹⁵

Club owners should be held to be negligent in maintaining their clubs if criminal activity occurs inside of the clubs and is documented.¹⁶ The Los Angeles police permit regulation holds permittees responsible "for the actions of their agents or employees in the conduct of the permittee's business."¹⁷ A distinction should be made between incidents which are fairly attributable to clubs and their operation and those incidents which are not because they are caused by individuals outside of the control of club management. The following list presents examples of the general distinction that could be made:

POSSIBLY ATTRIBUTABLE TO CLUB MANAGEMENT	POSSIBLY NOT ATTRIBUTABLE TO CLUB MANAGEMENT
• Knowledge or reasonable suspicion of, and failure to prevent, drug use and dealing inside club • Failure to assist patrons or provide adequate security • Failure to operate lawfully (e.g., admitting minors, operating without proper permits) • Service of alcohol to minors or after last call • Incidents related to employee behavior or actions • Overcrowding of club • Violating noise ordinances	• Assaults/fights amongst patrons or perpetrated by patrons outside of a club • Thefts from cars in alleys or streets near a club • Theft within a club (e.g., pickpocketing) in spite of efforts of club security • Traffic congestion around clubs • Loitering of suspicious persons on streets around the club

With general guidance, club owners can operate knowing what they are responsible for and when their permits may be at risk.

¹⁴ "Save the Endup now," by Amanda Nowinski, San Francisco Bay Guardian, August 11, 1999.

¹⁵ This issue of when a business should be held to be responsible for criminal or offensive activity in public streets surrounding the business may better be determined by courts, rather than by the police. A liquor store in the Mission district was recently closed by order of a San Francisco Superior Court judge for creating a public nuisance by, among other things, tolerating loitering by drug dealers and prostitutes. "Mission market often cited by police for health, safety violations," Independent News Service, The Independent, February 5, 2000. By analogy, a resident of the City's Haight-Ashbury neighborhood sued the local Ben & Jerry's ice cream store for allegedly maintaining a public nuisance by failing to stop drunk and drug-using homeless persons from loitering in the street in front. "Licking the Haighted," Katie Szymanski, Bay Area Reporter, January 27, 2000; "Popular Haight ice cream store sued for attracting 'drunks and junkies'," F.J. Gallagher, The Independent, January 25, 2000.

¹⁶ SFPD Complaint against Carl F. Hanken (d.b.a. "End Up").

¹⁷ City of Los Angeles Municipal Code, Chapter X – Business Regulations, Article 3 – Police Permit Regulation, Section 103.18. Permittee – Responsibility.

CLUB PERMITS

Thus, for example, a club that institutes pat-down searches of patrons by private security guards would not risk having its permits suspended when someone waiting to get in the club leaves the line to avoid the pat-down, but is stopped by police officers watching the club and found to have drugs in their possession. At present, the permit officer can record this incident as a mark against the club and use it as evidence to hold a permit hearing because that person was drawn to the club. But arguably, the club attempted to operate responsibly by searching would-be entrants and preventing those with drugs from entering and the incident should not be held against them. With established guidelines, the police and club owners will have a better idea of what will and what won't be grounds for the suspension or termination of permits. Additionally, increased fairness will promote faith in and support for the permit system and police enforcement, and hopefully foster more cooperation between the police and club owners.

Required Response

Mayor
Board of Supervisors
The SFPD

5. The 10(b) program should be made available to all club owners, after a restructuring of program to remove the potential for conflicts of interest.

The 10(b) program is a voluntary overtime program which allows the use of uniformed police officers as security personnel at special events, sports matches, construction sites, filming sites, dance clubs, department stores. A moratorium was placed on the 10(b) program for clubs because the Chief of Police perceived a conflict of interest in having a police officer work for a club on a regular basis and be paid by the club through the program. Such an ongoing relationship could create a conflict for the officer when observing criminal activity or problems in the club.

Only two clubs, both owned by the same owner, are currently allowed 10(b) officers, the Sound Factory and City Lights. The moratorium should be lifted and all clubs should be offered the use of officers. The conflict problem could be reduced by imposing a limit on number of overtime hours an individual officer can work under this program. Alternatively, clubs could form a trade association to fund the use of 10(b) officers. Such an association could also represent the clubs' legitimate business interests and set up community projects to mitigate some of the negative effects of the presence of clubgoers in the neighborhood, such as cleaning trash and debris from streets or deploying trained health staff to distribute anti-drug literature and informational materials at club events.

CLUB PERMITS

Required Response

Mayor
Board of Supervisors
The SFPD

6. Decibel levels should be standardized for all clubs and based upon up-to-date engineering criteria.

Presently, the SFPD does not have firm criteria to measure the noise emanating from a club. Different noise stipulations are therefore placed on permits. As a general rule, noise should not be audible on another person's premises. Noise problems usually result when a club opens its windows or doors. The SFPD Central Dispatch handles noise complaints related to loud music or noise from dance clubs. After a documented warning, an officer can issue a citation under Section 415(2) of the Penal Code and arrest the offender. If noise is a chronic problem, the SFPD's Noise Abatement Unit assists in resolving the situation.¹⁸

A few police officers have attended a special noise evaluation training class at Rutgers University in New Jersey. However, the SFPD acknowledges that standard noise guidelines are not used, claiming that to do so is not feasible as club locations and sites differ. Notwithstanding location and site variation, standardized criteria as to acceptable noise decibel and occupancy levels should be developed to eliminate differences in the treatment of permit holders. The Civil Grand Jury was informed that the SFPD and the Department of Public Health have worked on redrafting the current noise regulations. The two departments should move forward to complete their redraft of the regulations with appropriate input from parties that would be subject to them.

Required Response

The SFPD
Department of Public Health

¹⁸ Noise Complaint Resource Guide, SFPD Department Bulletin C-99-71, April 26, 1999.

CULTURAL CENTERS

Report of the
1999-2000 San Francisco Civil Grand Jury

CULTURAL CENTERS

SUMMARY

The Civil Grand Jury (CGJ) investigated the operation of the four cultural centers maintained and operated by the San Francisco Art Commission. We find that in each case the staff is highly motivated, well-educated and trained for its particular position. Above all, the staffs are dedicated to the groups they serve.

While we have praise for the staffs and the work they are doing, we also find that in every center there are serious problems in the facilities themselves which, if not rectified, could lead to serious and avoidable consequences including the possibility of loss of life in the event of a major earthquake.

BACKGROUND

The four city-owned cultural centers are operated by nonprofit arts organizations. All of the centers offer a wide range of classes, many of which are targeted at youth or senior citizens. While all people, regardless of race or ethnic background, are welcome in all centers, some centers are primarily devoted to a specific ethnic community. For instance the Mission Cultural Center community is primarily devoted to Latino-Hispanic culture. The Bayview Opera House/Ruth Williams Memorial Theater serves the neighborhood residents in Bayview-Hunter's Point, a large African-American community. The Center for African and African-American Art and Culture seeks to support, enhance, and promote African and African-American art and culture, providing space for ongoing programs of resident organizations and individual arts. All of the centers serve all the citizens of San Francisco as cultural magnets and resources.

METHODOLOGY

The CGJ visited the following four Art Commission program sites and examined the programs offered at each of these sites:

- South of Market Cultural Center;
- Mission Cultural Center;
- Bayview Opera House;
- African and African-American Arts & Culture.

The CGJ also studied the 1999 financial review of the arts programs, which were prepared by the Office of the Controller, City of San Francisco, and financial reports made by the cultural centers to the Art Commission.

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We found that each of the four cultural centers has four regular sources of funds. They are:

- Funds from the City and County of San Francisco;
- Revenues from services, classes and rentals;
- Funds from private contributions and grants; and
- Monies from bond issues (when passed by the voters).

RESULTS OF INVESTIGATION

The CGJ finds that each cultural center offers a rich variety of programs and activities to the community. During the visits, the CGJ examined the physical aspects of each center with a view of the need to bring each facility up to the standards and requirements of the California State Health and Safety Code and Americans with Disabilities Act (ADA). In each case, the CGJ found that the cultural centers are kept immaculately clean and that they are well-run by experienced and committed staffs.

1. Bayview Opera House

The Bayview Opera House has an extensive photography program backed up by its own photography lab. It also provides a special program for seniors as well as one for youths, ages 8 to 16.

The Bayview Opera House is not earthquake-proof. The projection room and the offices are on the upper floor which, in the absence of an elevator, are inaccessible to the disabled. For example, a projectionist who may be well trained and experienced could not be hired because the facilities are inaccessible to wheelchairs. While the bathrooms on the main floor have safety bars, they are too narrow for entry for a wheel chair. There is only one entrance for the disabled, which is insufficient during an emergency. The photography lab on the lower floor is also not accessible to the disabled.

2. Mission Cultural Center

Exhibits like the Dia de Los Muertos (Day of the Dead) which the CGJ visited are shown at least once a month. These exhibits have great value for the many school children who visit the Mission Cultural Center. The Center offers 45 classes each week. These are classes in dance, music, art and theater. Many of the classes are free. Mission Gráfica, an income-producing program, holds classes and does screen printing and posters for many community and non-profit groups. A complete series of classes is available for youth from small children to teenagers.

CULTURAL CENTERS

The Mission Cultural Center is earthquake retrofitted for only the first two of its four stories. Even more urgent, however, is the inadequate ventilation system for the fourth floor, which is used for graphic arts. The staff expressed concerns that the fumes generated by the solvents used in the graphic arts are toxic and harmful, especially to the young students enrolled in these classes.

3. Center for African and African-American Art and Culture

This cultural center runs a series of music, drama and film presentations in the Buriel Clay Theater. At the same time a series of art shows are presented in the Sargent Johnson Gallery. The center will have expanded facilities to serve the community when construction and renovation are completed, which is expected to be in the 1999-2000 period.

This center is located in the old Acme Brewing Co. building. We were advised that although the building appears sturdy, the upper floors require earthquake retrofitting. The elevator is a relic that also needs to be replaced. The next scheduled and major renovation is the removal of a concrete ramp which will add a great deal of space on the first two floors. We were advised that the money for this project has been raised.

4. South of Market Cultural Center (SOMARTS)

SOMARTS has thirty or more art shows each year in its large gallery. The shows run the entire spectrum of themes from great women artists to Asian Pacific art. The theater runs one or two shows every month. The center's technical services section works with festivals and parades all over the City. Productions have included the Shakespeare Festival, Chinese New Year celebrations, the Cherry Blossom Festival and Cinco de Mayo. The center also houses offices of many community groups. The CGJ was advised that additional earthquake retrofitting is needed for the facility (see Attachment 1).

The management of SOMARTS is made up of both experienced technicians and administrators. We found this center to be a veritable beehive of activity. While some of the crew were still striking the set from the most recent theater piece about Halloween, other crew members were already preparing the next show.

The main entrance of SOMARTS cannot accommodate disabled patrons and visitors. There is no ramp for those in wheelchairs. The center is also in need of two elevators or lifts in order to reach the mezzanine where the offices and facilities are located. The staff advised the CGJ that the walls are made of corrugated sheet metal and there is no soundproofing. The noise emanating from the building is in excess of the limits set down by the California State Health and Safety Code and ADA requirements. We were advised that an alternate solution for the noise issue would be to obtain a legislative exemption from the Board of Supervisors since there are no residences in the vicinity.

CULTURAL CENTERS

5. Funding

Formerly, the cultural centers, which occupy City-owned buildings, were partially funded through CETA (the Comprehensive Employment and Training Act). When those funds were depleted, funding then came from private and public sources. San Francisco Business and Tax Regulations Code Section 515.01 provides financing to the cultural centers by line item support from the Hotel Tax. One of the conditions of this Section was that each cultural center have a Community Support Board which would hold no less than six meetings per year. The purpose of the Boards is to facilitate community outreach, funding and advocacy. The CGJ was advised that only one of the cultural centers has a formal, but limited, Community Support Board. The Community Support Board of the other cultural centers hold meetings, but have a membership which fluctuates at each meeting and, therefore, lacks stability.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1

A report prepared by the Cervantes Design Associates in association with the Saylor Consulting Group reflects that, despite the fact that the San Francisco Art Commission commissioned a capital improvements report in 1993, the recommended retrofitting has not been accomplished (see Attachment 1). The Bayview Opera House is in need of earthquake retrofitting. The top two floors of the Mission Cultural Center are in need of earthquake retrofitting. The Center for African and African-American Art and Culture is in need of earthquake retrofitting.

Recommendation 1

Support should be sought from the Mayor's Office for immediate infrastructure upgrade.

Required Response

Mayor
The Art Commission
Department of Public Works

CULTURAL CENTERS

Conclusion 2

The Bayview Opera House does not meet the standards of the ADA as to the bathrooms on the first floor, the photography lab and the main entrance. The main entrance of SOMARTS is not in compliance with the ADA. The Mission Cultural Center and SOMARTS are in need of new elevators.

Recommendation 2

Support should be sought from the Mayor's Office for funds to bring the Bayview Opera House and the main entrance of SOMARTS into compliance with the ADA. The Art Commission should advise as to the steps being taken to secure funds for new elevators for the Mission Cultural Center and SOMARTS.

Required Response

Mayor
The Art Commission
Department of Public Works

Conclusion 3

SOMARTS is in need of soundproofing.

Recommendation 3

The Art Commission should advise as to the steps being taken to secure funds for soundproofing for SOMARTS.

Required Response

Mayor
The Art Commission
Department of Public Works

Conclusion 4

The Community Support Boards of the cultural centers have been unsuccessful in obtaining the wide support needed to ensure the passage of bonds necessary to properly fund the cultural centers. Wide support for funding is also needed in order to complete upgrading of the facilities and to enhance their programs. The Community Support Boards of the cultural centers have also been unsuccessful in educating the public through community outreach to the local community as well as to the entire city. Further review of the cultural center reports to the Art

CULTURAL CENTERS

Commission does not clearly reflect that the cultural centers are meeting the funding requirements as outlined in Section 515 of the Business and Tax Regulations Code.

Recommendation 4

The Art Commission should determine what steps the Community Support Boards of the four cultural centers have taken and need to take in order to carry out their responsibility to obtain funds for the cultural center and advertise the unique activities of the Centers. The Art Commission should require that each cultural center set up a formal Community Support Board composed of both local community members and city-wide members who are able to help the center meet its financial goals and increase city-wide recognition of each of the cultural centers.

Required Response

Art Commission

Mayor's Office of Community Development

The Board of Directors of the South of Market Cultural Center

The Board of Directors of the Mission Cultural Center

The Board of Directors of the Bayview Opera House

The Board of Directors of the Center for African and African-American Art and Culture

CULTURAL CENTERS

ATTACHMENT 1

1993 CAPITAL IMPROVEMENTS REPORT, Prepared by the Cervantes Design
Associates in association with the Saylor Consulting Group,
Art Commission/Cultural Centers

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*Please Note: Appendix C: Detail Spreadsheets is not included in this Report.

EXECUTIVE SUMMARY

This report prepared by the Cervantes Design Associates in association with Saylor Consulting Group provides a brief chronological analysis of the previous capital planning and facility improvements for the City's four cultural centers: Bayview Opera House, Mission Cultural Center, Center for African and African American Art and Culture (CAAAC), and South of Market Cultural Center (SOMAR).

The analysis entails the gathering and evaluation of the previous documents, up-to-date site inspections and interviews with the current directors of each facility. The documents evaluated include the most current Master Plan, the 1992 (TYLFB) Seismic report and the (HKIT) Capital improvements report commissioned by the San Francisco Art Commission in 1993.

This analysis has a unique capital improvements history which has shown that since the 1993 commissioned HKIT Capital Improvements facility reports, some site enhancements have been completed, but new structural and cost deficiencies have arisen because of current date code violations and cost escalations. These code violations are primarily Health & Safety and American Disabilities Act related and for this CDA/SCG updated Capital Improvements report will be categorized as 'Priority 1 Critical' items. It is most important to note that these capital improvement estimates do not reflect the required seismic structural retrofitting and any possibly necessary mechanical and engineering assessments, thus while most critical are not categorized because they were not within the scope of this analysis report. It is moreover critical to note that this report's intent is to serve as a guide to the current structural and cost deficiencies that are to be highlighted and not as a comprehensive analysis or complete road map to the full scope of the work required. Additional professional services will be required for each individual cultural center project utilizing this information as appropriate. The CDA/SCG process of gathering this information to development involved four steps:

1. Reviewing existing documents, reports and code changes;
2. Obtaining approval for database format, definitions, and assumptions;
3. Meeting on-site with each director to discuss existing conditions and programmatic variations; and
4. Preparing prioritized scope of work and cost projection spreadsheets, updated to the current status of each facility.

The chart below provides the historical and current fiscal requirements for each of the four Cultural Centers, from the respective reports. Neither one of this reports includes the work identified in the Seismic Assessment Report. Neither the bond initiative process nor funding for seismic upgrades proceeded. The CDA/SCG project analytical experience on other related City projects created the need to adjust the indirect cost factors to more accurately reflect the current total cost of completing a construction project and is reflected in the 1998 Full Scope updates.

SUMMARY OF COST PROJECTIONS

	1993 Full Scope of Work	1993 Bond Initiative	1998 Full Scope of Work Cost Update	1998 CDA/SAG Recommended
Bayview Opera	\$ 652,916	\$ 521,966	\$ 680,135	\$ 469,175
Mission Cultural	\$ 5,976,252	\$ 4,463,656	\$ 4,751,954	\$ 3,363,113
CAAAC	\$ 2,342,562	\$ 2,113,414	\$ 1,808,031	\$ 238,795
SOMAR	\$ 2,776,530	\$ 2,545,020	\$ 2,150,599	\$1,011,260

Historically from the 1970's through the early 1990's, ambitious but realistic facility fiscal plans were prepared for each of the City's four cultural centers and in 1993 the HKIT Bond version justified an attempt to seek public approval for its 1993 Bond Initiative for fiscal plan capitalization of near \$10 million. Although the 1993 Cultural Center Bond Initiative and the subsequent 1996 Bonding Initiative failed, there has been incremental capital improvement progresses in all but one of the Cultural Centers. These illustrative plans of each proposed facility improvements indicated an incremental implementation of site critical capital improvements and necessary esthetic corrections. Some capital improvement projects were implemented, while others were concluded prior to completion. The Mission, CAAAC and SOMAR have decreased their fiscal requirements by over 20%, while Bayview has increased its funding requirement by the nominal amount just over 4%, based on both the '1993 Full Scope versus the CDA/SCG 1998 Full Scope analysis. These funds have primarily come from modest city and private funds. Some improvements varied from 1993 Master Plan because of ongoing programmatic changes. With detailed backup, the "Full Scope of Work" reports summarized the probable cost to implement the Master Plans. The detailed back up differentiated the scope of work for funding. Neither report included the work identified in the Seismic Assessment Report.

CULTURAL CENTERS BACKGROUND

Mission Cultural Center

The Mission Cultural Center building has benefited from major facility upgrades, particularly the theater space; elevator access between floors; and ground floor circulation. Major areas of the

facility do not comply with current safety codes. The Phase III plans, were never completed, thus the current modification of the elevator, does not comply with the plan. More importantly, the placement of the elevator prohibits implementation of the 1985. Master Plan. Other improvements may complicate compliance with egress of the 1983 plan.

The 1992 seismic study by T.Y. Lin International/Fay Berstein, indicated a seismic hazard rating of 3, had never been implemented nor incorporated into the master plan. The cost for this seismic upgrade is estimated at \$586,520.00.

SOMAR

In 1994, additional planning and programming were prepared for the SOMAR building. The cost projections were phased and prioritized. The cost figures for the basic code upgrades, identified facility improvements and program elements was estimated at approximately \$400,000. Excluded were exterior and interior occupancy separation walls, seismic upgrades and project development and management costs. These items and additional program-associated items such as sound insulation around the perimeter and improved heating at the floor level are documented in the subsequent sections of this report.

Approximately \$50,000 has been expended on ADA upgrades, including new compliant restrooms and entry doors, which were completed in July 1997. Approximately \$25,000 from DPW were allocated to site access improvements with a 1997 completion date. Negotiations are underway with the building and fire departments to reclassify the building for larger occupancy. The proximity to the elevated section of Hwy 101 and the construction of the building exterior impede the acoustics of the Performance Theater. The vertical configuration of the building is not conducive to standard heating systems.

Seismic issues have been addressed in the master plans for this facility. The 1992 T.Y. Lin International/Fay Berstein seismic study indicates that the soil underlying the building had a potential of liquefying in an earthquake. With the Seismic Hazard rating 3, the existing building structure would perform poorly. The 1992 cost estimate for the seismic upgrade is \$939,550.

Center for African and African American Arts and Culture

Major improvements to the Center for African and African American Art and Culture facility were completed in 1982. The ground floor improvements include the new seismic bracing; new men and women toilets; a new fixed-seat theater and minor modifications throughout the building.

The 1992 T.Y. Lin International/Fay Berstein Seismic Study indicated that additional seismic work would be required. With the Seismic Hazard rating 3, the existing building structure would perform poorly. The 1992 cost estimate for these seismic improvements is \$750,557.

The current Westberg & White Inc. modernization plans consist of upgrading of all toilets to meet ADA requirements, a new passenger elevator, a new air conditioning system, upgrade of the electrical and fire alarm systems, extension of the stairwell to the roof, exterior enhancements and other minor modifications. Construction funding from three separate sources, MOCD, SFRA, MOCI totaling \$869,000 has been allocated to the center since 1993. To-date this implementation has been delayed with no certain construction date has been established.

Bayview Opera House

In 1974, a major upgrade of "Old South San Francisco Opera House" was implemented. The plans included a large paved plaza, a new main entry, and seismic strengthening. The 1992 Seismic Report required \$180,807 additional seismic work.

Over the past several years, the center received a number of small grants for the upgrade of the facility. In 1996, Architects Gerson/Overstreet developed plans for improvements to the mezzanine and balcony areas. The plans indicated two offices and a projection room in the center with an adjacent toilet. The 1996 plan was never totally implemented.

Recently, upgrades and repairs were made to the building such as burglar and fire alarms, handicapped accessible entry, handicapped accessible toilets and exit lights. However deficiencies were noted with attention given to plumbing, lighting, and wall repairs. The building needed interior and exterior painting, replacement of the perimeter fence and upgrade to the sound & lighting system.

PROBABLE CONSTRUCTION COSTS

All cost assumptions are in consort with the Office of Capital Projects. The factors differ from the 1993 projections because of escalations and the current CDA/SGA experience with City projects. A series of non-compounded factors totaling approximately 50% are added to cover indirect project costs such as consultants, city staff, construction management, construction testing, and a change order allowance for total project costs. This report only contains construction costs.

The construction cost in this report is based on the 1993 cost estimate. If the 1993 listed costs remained comparable a 14% markup was added to reflect the 1998 escalated rate. Current data is provided wherever new scopes were determined for improvements. The unit price also includes pro-rated costs, which are not labor & material costs, but must be included to reflect the total construction cost. These items include general contractors, general conditions, overhead & profit and bonds. Also included in these pro-rated costs are a design/estimating contingency, escalation for one year; and a market factor to account for bidders' lack of interest and difficulty in securing required acceptable bidders and qualified subcontractor bids. These pro-rates amount to additional 48% and are added to the unit costs:

1.	General Conditions	10 %
2.	Overhead and profit	8 %
3.	Bonds	2 %
4.	Design/estimating contingency	15 %
5.	Escalation	3 %
6.	Market factor	10 %
		48%

Since each cultural center is unique, respective priorities and phasing will be established for grant and funding options. The following table summarizes the costs for each cultural center.

SUMMARY OF COST PROJECTIONS

	1993 Full Scope of Work	1993 Bond Initiative	1998 Full Scope of Work Cost Update	1998 CDA/SAG Recommended
Bayview Opera	\$ 652,916	\$ 521,966	\$ 680,135	\$ 469,175
Mission Cultural	\$ 5,976,252	\$ 4,463,656	\$ 4,751,954	\$ 3,363,113
CAAAC	\$ 2,342,562	\$ 2,113,414	\$ 1,808,031	\$ 238,795
SOMAR	\$ 2,776,530	\$ 2,545,020	\$ 2,150,599	\$1,011,260

These costs do not include legal fees, or the cost of funding solicitation. Totals assume the new costs for additional scope.

The 1998 updated cost is for the full project, not just the priorities identified in the 1993 bond report by HKIT. The differences between the cost projections are attributed to:

1. Code changes
2. Current conditions and CAM reports
3. Experience of costs actually required to design and construct city projects per the Office of Capital Resource Management
4. Inclusion of cost not previously identified, such as water and sewer upgrades and temporary relocation costs
5. Adjustments for work completed, or currently funded
6. Modifications due to changes in the program

SPREADSHEET OVERVIEW

Detailed probable construction cost is provided in the spreadsheets dictate the scope of work recognizing that code requirements that take precedence over facility upgrades and programmatic needs. The spreadsheets note relative priority of the work; work completed since 1993; work currently funded but not yet completed and work not funded. This format allows scope, cost and indirect factors to be adjusted as new information arises.

The ranking for each scope of work is based on the priority of each improvement category. The improvement category and priorities are defined as follows:

Improvement Categories:

Code :	All modifications required for compliance with all building codes to meet life safety requirements.
ADA :	All modifications required for compliance with the American Disabilities Act for handicapped accessibility requirements.
Maintenance:	All modifications due to upgrading or replacement of materials.
Program: _	All modifications resulting from programming changes to the space or expansion of a space.
Security:	All modifications reinforcing the facility's security.

Priorities:

Priority 1:	Required for Health Safety or ADA code compliance;
Priority 2:	Required for programmatic needs;
Priority 3:	Secondary priority required by code but not mandated for current use or desirable for better program function.
Completed:	Work in progress or completed.

This document serves to update the information of the original full report. Included are identified code and maintenance deficiencies and security deficiencies. The information will be made available on electronic media to each facility as part of the yearly status reports. Each center will update a spreadsheet noting work completed and modifications to the Master Plan.

RECOMMENDATIONS

The capital funding needs and operating cash flow vary for each cultural center. Each center generates income from projects, services, grants, and donations. Some funds are applied to capital projects and prioritized. Their capital funding requirements are interdependent with code and safety requirements, facility upgrades and programmatic needs. The problem of seismic upgrade is perhaps the most pressing. Because costs are high; there may be a need to relocate center programs during retrofit construction. Current use does not generate seismic upgrade. Policy decisions may direct retrofit; which significantly alters the programmatic options of the center. The 1998 recommendations are consistent with the 1993 Bond Report but do not include seismic retrofit cost and other professional services that may be required.

The next steps proposed, acknowledge that each facility and program is different. Thus, a generic analysis for capital budget planning can not be applied. Standardized documentation is urged with improvement categories and priorities for code and safety, facility upgrades and program requirements is the best tool.

1. Document the seismic retrofit policy for each cultural center and, as appropriate, prepare an updated structural analysis of the building and operating/relocation plan.
2. Confirm the list of priorities, on an annual basis, which can be updated with completed projects and modifications as well as cost updates.
3. Prepare a 3 to 5 year funding scenarios with corresponding priority of improvements.
4. Complete construction documents and estimates for the Master Plan for each cultural center, in light of their respective funding challenges.
5. Make interim improvements consistent with the Master Plan, utilizing alternate bid items for low priority improvements. (The last recommendation is relevant because some completed improvements are not consistent with the Master Plans and have created new code problem).

APPENDIX A: ASSUMPTIONS

It is assumed that:

1. The starting point of the evaluation is the Master Plan Report by HKIT 1993. Plans related to these reports were not available.
2. The database shall be an annotated version of the cost items from the existing Master Plan as reconstructed in Excel 98 in-Mac format.
3. The electrical, mechanical and structural conditions are not part of the evaluation. The database for these areas will be adjusted based on the CAM reports and professional judgment with concurrence by Art Commission representative. The cost allocations will be adjusted based on recommendations from the Office of Capital Projects.
4. There are new plans for some cultural centers, which differ from the Master Plan. Additional changes may be requested by the current director. This scope does not include preparation of revised plans. One set of plans, was established as the basis of the evaluation. Only major changes which cannot be readily defined in the text have been illustrated as sketches included in the report appendix.
5. As with the Master Plan process, the complete database provides the Art Commission with improvement categories and priorities. The improvement categories and priorities are:
Improvement Categories
Code : All modifications required for compliance with all building codes to meet life safety requirements.

ADA : All modifications due to compliance with the Handicapped Accessibility Code requirements.

Maintenance: All modifications due to upgrading or replacement of materials.

Program: All modifications due to programming changes to the space or expansion of a space.

Security: All modifications due to securing the facilities.

Priorities

Priority 1: Required for life safety or code compliance;

Priority 2: Required for programmatic needs;

Priority 3: Secondary priority such as required by code but not mandated for current use or desirable for better program function;

Completed: Work in progress and completed.

The 1993 Report priorities will be maintained unless altered by code or programmatic changes.

6. The contingency percentage reflects the information available and recommendations from the Office of Capital Projects. The cost assumes that the work is bid as one project. Separate contracts generally increase the total cost.
7. Subsequent use of the program and cost database prepared by this report may or may not utilize the priorities in the reports.

APPENDIX B: REFERENCES

General

1. Program Building Evaluation & Cost Estimates for Four Cultural Centers, Full Scope of Work, Prepared for the City and County of San Francisco Art Commission; Prepared by Hardison Komatsu Ivelich & Tucker, April 15, 1993.
2. Program Building Evaluation & Cost Estimates for Four Cultural Centers, Bond Version, Prepared By Hardison Komatsu Ivelich & Tucker, April 15, 1993

Bayview Opera House

1. Seismic Assessment of Various City-owned Buildings, South San Francisco Opera Houses Prepared for The Office of Capital Resource Management, Department of Public Works, City & County of San Francisco; Prepared by T.Y. Lin International / Fay Berstein & Associates, October 1992.
2. Plans: Old South San Francisco Opera House Renovation and Plaza; May 2, 1974; Prepared by Gerson / Overstreet; Prepared for the Bureau of Architecture, Department of Public Works, City and County of San Francisco.

Center for African and African American Art and Culture

1. Seismic Assessment of Various City-owned Buildings, Center for African and African American Art & Culture; Prepared for The Office of Capital Resource Management, Department of Public Works, City and County of San Francisco; Prepared by T.Y. Lin International / Fay Bernstein & Associates, October 1992.
2. Plans: Alterations to Western Addition Cultural Center; Revised 9/15/82, Prepared by Rosekranz and Broder Inc., Architects; Prepared for the Bureau of Architecture, Department of Public Works, City and County of San Francisco.
3. Plans, specifications and estimates prepared by the Community Design Center between 1993 and 1995 were not available.
4. Plans, specifications and estimates are currently being prepared by Architects; anticipated July, 1996

South of Market Cultural Center

1. Seismic Assessment of Various City-owned Buildings, South of Market Cultural Center, Prepared for The Office of Capital Resource Management, Department of Public Works, City & County of San Francisco; Prepared by T.Y. Lin International / Fay Berstein & Associates, October 1992.
2. Plans: Alterations to South of Market Cultural Center, May 1, 1985; Prepared by Rosekranz and Broder Inc., Architects.
3. Estimate: Preliminary Construction Cost for the South of Market Cultural Center, Prepared by Mock / Wallace Architects, 14, June, 1994.
4. Code: Summary of Meetings with Building Department, Planning Department and Fire Department in August 17, 1995 letter to Jack Davis from Ronald Wallace Architects.
5. Estimate Prioritized Scope and Estimate in March 6, 1996 letter to Jack Davis from Ron Wallace Architects.
6. Priorities: Description of SOMAR Needs with Priorities 1, Code improvements; 2, Facility Upgrades; 3. Program-driven Improvements; source and data unknown.

Mission Cultural Center

1. Seismic Assessment of Various City-owned Buildings, Mission Cultural Center, Prepared for The Office of Capital Resource Management, Department of Public Works, City & County of San Francisco; Prepared by T.Y. Lin International / Fay Berstein & Associates, October 1992.
2. Plans: Alterations Mission Cultural Center, August 30, 1984; Prepared by Rosekranz and Broder Inc., Architects.

MEETINGS

1. Meeting with Bayview Opera House
2. Meeting with Kola Thomas, Director of the Center for African and African American Art and Culture; Anne Cervantes and Elizabeth Gibbons on June 27, 1996. May
3. Meeting with Jack Daniel Del Solar, Director of the Mission Cultural Center, Anne Cervantes and Elizabeth Gibbons

OFFICE OF EMERGENCY SERVICES

Report of the
1999-2000 San Francisco Civil Grand Jury

OFFICE OF EMERGENCY SERVICES

BACKGROUND

Considering the devastation of the 1906 earthquake and Loma Prieta in 1989, as well as the perennial predictions that another major earthquake is likely to occur in the San Francisco Bay Area, the San Francisco Civil Grand Jury decided to attempt to determine how well prepared the City is to cope with an earthquake comparable to those of 1906 and 1989 — a terrorist attack, a tsunami, a hazardous material spill or other life-threatening disaster.

METHODOLOGY

Members of the Civil Grand Jury (CGJ) visited the Mayor's Office of Emergency Services (OES) at 1011 Turk St. and took an extensive tour of the new facility. The CGJ members were favorably impressed by the overall program and the systems that are in place to deal with major disasters. The CGJ discussed with the director of OES the changes that have taken place in the past ten years in demographics, communications, seismic upgrading of residential and commercial buildings, loss of military personnel and facilities, limited availability of hospital beds and emergency care facilities, and other factors that affect San Francisco's ability to provide emergency services in the event of a major disaster.

CONCLUSIONS

Members of the CGJ were encouraged by the following: the state-of-the-art technology (especially in emergency operations and communications linking the OES to many city departments) of the Command Center on Turk St., the perceived competence of the center's director and staff, the Fire Department's Neighborhood Emergency Response Team (NERT) training program, the network of Volunteer Ham Radio and REACT communicators to provide back-up and supplementary radio channels in an emergency, the progress in retrofitting public school buildings, some of the freeway structures and City Hall, the plan to have City Hall become the center of government responses to a disaster, and attempts to inform the general population on the emergency services that are available when disaster strikes.

The CGJ members were troubled, however, by the following: a substantial drop in the number of hospital beds available, the closing of emergency rooms at French, Mount Zion and Children's hospitals, the closing and planned demolition of Letterman Army Hospital, the deactivation of many Bay Area military bases that were able and well equipped to respond to disasters in the area, the slow progress in seismic upgrading of residential and commercial buildings in San Francisco, the increase in population in areas threatened by earthquakes, especially in parts of the City that have constructed buildings on landfills. Members of the CGJ are concerned about the delays and other logistical

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problems in getting firefighters and police officers into the City in an emergency since 64 percent of the firefighters and 60 percent of the police personnel live outside San Francisco.

The CGJ found that the director of OES and the five staff positions are filled through mayoral appointment and that there is no procedural or legal impediment to a newly elected mayor filling all six positions with people who are more adept at political organizing than coordinating emergency services. In view of the history of major earthquakes in San Francisco and the Bay Area and the probability that comparable earthquakes will occur, the OES needs expertise, continuity and experience to ensure that competent professionals are in the position of coordinating emergency services in the event of a major disaster.

RECOMMENDATIONS

The Civil Grand Jury recommends the following:

1. Convert the director's position of the OES and the five staff from appointive to competitive civil service positions to ensure continuity in the coordination of emergency services. One solution could be to move the OES from the Mayor's Office to another City department with a civil service infrastructure, such as the Department of Administrative Services.

Required Response

Mayor
Human Resources Department

2. Devise a logistical plan to ensure that sufficient fire and police personnel living outside San Francisco can be transported to the City in an emergency.

Required Response

Director of the Office of Emergency Services
Fire Department
Police Department

3. Increase the availability of information — via mass media, websites, community organizations, and public schools — on emergency services, NERT training programs, the food and material components of emergency survival kits, and avenues of communication during major emergencies.

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Required Response

Director of the Office of Emergency Services

4. The Department of Public Health and other pertinent City officials need to review the loss in recent years of hospital beds and emergency room care and take appropriate measures to ensure that there are sufficient hospital beds and emergency treatment facilities to meet ongoing needs and emergency situations.

Required Response

Mayor

Board of Supervisors

Director of the Office of Emergency Services

Department of Public Health

SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

Report of the
1999-2000 San Francisco Civil Grand Jury

SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

SUMMARY

The various landmarks and vistas of the City of San Francisco are instantly recognizable to people throughout the world. This "signature" aspect of the City makes it an extremely desirable location for film-work of all kinds. In light of this desirability, film-work by the entertainment or advertising industries is viewed by the City as a source of both revenue and employment for the citizens of San Francisco with a high potential for growth.

Due to the number and variety of procedures required in the coordination of location filming within a metropolitan area, many cities have established offices to facilitate location requests, promote local employment, and represent the interests of their constituents. In San Francisco, the San Francisco Film and Video Arts Commission (SFFVAC) was created to fill this role.

With proper management, the SFFVAC has the potential to advance the use of San Francisco as a location for film-work throughout the entertainment and advertising industries, increasing revenue and engendering a stronger local employment base within the City. In this respect it is also the voice of the people and as such should be perceived by residents as open and approachable, taking great care to address their concerns and protect the quality of life of all San Franciscans. In the course of our investigation the 1999-2000 San Francisco Civil Grand Jury regrettably, did not find this to be the case.

BACKGROUND

On November 21, 1989, the San Francisco Film and Video Arts Commission was established by Chapter 57 of the San Francisco Administrative Code (See Appendix A) with the mandate to "...develop, recognize, and promote film and video activities in the City and County. The members shall work together and explore and promote the long-term goals for film-making as a major emphasis of the City's economic and cultural base, and encourage the recognition of film and video as an art form with widespread economic components." (SF Administrative Code Sec. 57.2.).

The San Francisco Film and Video Arts Commission consists of eleven unpaid Commissioners, six of whom must live within the City limits. There is no requirement that the Commissioners be experienced in film production or any other relevant vocation. The code only provides that they "may" be drawn from this pool. The Commissioners are appointed and serve at the pleasure of the Mayor. The terms are for four years and are staggered.

This section of the San Francisco Administrative Code also specifies that the Commission is to appoint an Executive Director to act as the department head of the Office of the SFFVAC. The Executive Director position is a paid position

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replacing the former "Mayor's Office Film Coordinator" position. The Executive Director is charged with staff supervision for the Office of the SFFVAC as well as other duties and is compensated at the same rate and from the same source of funds as was the former position.

The source of this funding is the Film Production Special Fund, into which 50 percent of all fees generated by the issuance of film permits go. The balance of this fund is "deemed to be provided for a specific purpose" (SF Administrative Code Sec. 57.10.) with all unused funds carrying over into the next fiscal year. It is the duty of the SFFVAC to "...prepare and file with the Board of Supervisors, at the same time the Commission files with the Mayor a proposed fiscal year budget, an annual report that shall detail all revenues and expenditures of the Commission during the immediately preceding fiscal year." (SF Administrative Code Sec. 57.10.).

Despite this, the San Francisco Civil Grand Jury was unable to find a single copy of this report for either the most recently concluded fiscal year or any year past during research conducted at the San Francisco Main Library. Furthermore, repeated inquiries were made of the Office of the SFFVAC as to the location and availability of these annually required reports. The response of the Office of the SFFVAC to each inquiry made by the CGJ was that any responsibility for issuing a yearly accounting of the Film Production Special Fund was that of the Mayor's Office and not the Office of the SFFVAC.

The Office of the SFFVAC was created to act as a liaison between filmmakers and various City departments in terms of obtaining permits and encouraging film work within San Francisco. In addition, the office was created to enhance the public's perception of the film industry in general as well as to promote the use of film production labor from within the City and otherwise encourage the growth of the San Francisco based film industry.

The San Francisco Civil Grand Jury began its investigation into the SFFVAC following several accounts of neighborhoods being saturated by film crews and residents unsure of where to turn for redress. One avenue of investigation pursued by the CGJ was to examine what safeguards or supervision the Office of the SFFVAC used to protect the citizens of San Francisco from undue inconvenience during location filming. This was an area of serious concern for the CGJ as was the apparent lack of accountability regarding the Film Production Special Fund.

METHODOLOGY

The Civil Grand Jury interviewed representatives of the Office of the San Francisco Film and Video Arts Commission (SFFVAC) on three occasions as well as reviewed their office files and promotional materials.

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In addition, the CGJ spoke to representatives of the Police Law Enforcement Services Unit (PLES), the San Francisco Police Department (SFPD) unit that provides police support for hire under the "10B" program to a variety of private entities. The CGJ also visited several neighborhoods ranging from the Haight to Potrero Hill and met with various San Francisco residents and merchants who relayed their own accounts of location filming near their homes or shops.

Finally, the CGJ visited a neighborhood in use as a film location and observed the activities and preparations that occur prior to filming. At this time the CGJ interviewed a Location Manager with twenty-five years experience in the field. While not a San Francisco resident, the Location Manager interviewed is a Bay Area resident and specializes in San Francisco locations.

In order to supplement the interviews and visitations conducted, the CGJ also reviewed the procedures and documents used by film offices in cities of varied size throughout the United States and Canada. These included examples of permits, filming notification requirements, as well as economic impact statistics when available.

RESULTS OF INVESTIGATION

1. Execution of the Duties of the Commission

In the course of their investigation the San Francisco Civil Grand Jury reviewed the Administrative Code as it pertains to the San Francisco Film and Video Arts Commission and discovered that the powers and duties listed are split between those of the Commission and the Executive Director of the Commission.

In addition to the duties specifically attributed to the Executive Director, who serves at the Commission's pleasure, the San Francisco Administrative Code allows for the assumption of "other duties" as provided within the chapter. It should be noted therefore, that while there is clearly a separation within the Administrative Code between the duties of the Commission and those of the Executive Director, it is unclear which if any of the Commission's duties have been delegated to the Executive Director.

In the course of its investigation, the Civil Grand Jury attempted to discern to what degree the duties assigned to the SFFVAC were being addressed. The long-term goals of public education, both as to the economic advantages of increased film production within the City in general revenue terms, as well as, any concrete benefits to the San Francisco film industry were among the areas of investigation. The measures taken to encourage the establishment of such an industry were of particular interest to the CGJ. After speaking in some detail with

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the Office of the SFFVAC it became clear to the CGJ that there were no particular measures in place to address either one of these goals.

In terms of public education, the Office of the SFFVAC was unable to provide the CGJ with any information in either printed or electronic form in place to address this goal. The Office of the SFFVAC does provide a handbook to prospective filmmakers, which is available in both printed and electronic forms. Closer examination of this handbook by the CGJ found it to be outdated and inaccurate at times, geared towards the film industry without either economic or employment statistics, and probably of little educational use to the public. It was asked of the Office of the SFFVAC what examples they could provide the CGJ detailing their education of the public as to the economic and employment benefits film-work affords the City. The Office of the SFFVAC was unable to cite a single example illustrating public outreach in this regard.

Residents and merchants are kept completely in the dark regarding the various aspects of film-work conducted in San Francisco without physically visiting the Office of the SFFVAC. There are no statistics concerning the revenue expended within the City by film production companies, the employment rates of San Francisco film-workers by film production, the number of shooting days permitted, or the number of permits issued by the Office of SFFVAC each year available to the public at either the Public Library or through the SFFVAC website (www.ci.sf.ca.us/film). Should they take the time to visit the Office of the SFFVAC, members of the public remain unable to conduct a comprehensive review these statistics at the Office of the SFFVAC as they have never been compiled.

The CGJ next inquired as to the measures either in place or planned by the Office of the SFFVAC to shepherd the burgeoning San Francisco film industry. The CGJ asked about possible referrals to local companies, employment listings for local workers, or incentives for the use of local labor but were told that the Office of SFFVAC had no such programs in place nor were any planned for the future.

As the interview continued, it became clear to the CGJ that the Office of the SFFVAC considers the expansion of the local film industry to be somewhat beyond their scope. The Office of the SFFVAC does maintain an employment guide of sorts, "Trade Whispers." "Trade Whispers" is a compilation of employment notices taken from various film industry publications. It lists projects that are tentatively scheduled to film in San Francisco along with the contact information assuming it was provided in the original notice. It was disturbing to the CGJ that this posting of trade publication advertisements appears to be the only action being taken by the Office of the SFFVAC in their promotion of the San Francisco film industry.

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2. Execution of the Duties of the Executive Director

The operation of the Office of the SFFVAC is the responsibility of the Executive Director of the SFFVAC as specified in SF Administrative Code Sec. 57.8. (See Appendix A). In addition to the hiring and supervision of staff it is the responsibility of the Executive Director of the SFFVAC to coordinate any and all film permits issued within San Francisco. Further, it is the responsibility of the Executive Director of the SFFVAC to act as a liaison between film companies and the various City departments that may become involved depending on the size and scope of the proposed filming. These agencies include, but are not limited to, the San Francisco Police Law Enforcement Services Unit (PLES) of the SFPD, the Department of Parking and Traffic, the Municipal Railway, and the Department of Public Works. The CGJ began its inquiry into the execution of the duties of the Executive Director in the area of permit coordination.

After receiving complaints from residents who felt they were too often negatively affected by filming in their neighborhoods the CGJ set out to review the procedures and guidelines used by the Office of the SFFVAC in deciding whether or not a film permit should be issued for any particular location.

While speaking with the Office of the SFFVAC the CGJ discovered that there are no guidelines or procedures in place to either prevent an undue saturation of film permits for any one area or to prevent excess permitting in terms of police manpower needed during any one time. In fact, the CGJ was informed that the Office of the SFFVAC could not recall a single permit that it had not approved.

The Office of the SFFVAC, lacking such guidelines or procedures, fails to adequately track permit statistics, virtually acting as a kind of permit "clearinghouse" for film-work within San Francisco. The possible consequences to either the quality of life in the affected neighborhoods or to the available police resources were brought to the attention of the Office of the SFFVAC by the CGJ.

These concerns were quickly dismissed as somewhat inconsequential by the Office of the SFFVAC as well as being labeled as counterproductive to the expansion of the San Francisco film industry. It should be noted that the Port of San Francisco requires the use of a far more restrictive permit for use of its facilities as film locations than does the Office of the SFFVAC (See Appendix B). It should be further noted that the CGJ inquired during an interview conducted with a representative of the entertainment industry about this more restrictive permit in use by the Port. The CGJ was told that while the film companies disliked the Port's restrictive permit, in the opinion of the representative interviewed the restrictive permit in use by the Port of San Francisco best protected the interests of the people of San Francisco.

It was made clear to the CGJ that the Office of SFFVAC feels that simply by increasing the use of San Francisco as a film location it will see an acceptable

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degree of expansion within the City's film industry. The Office of the SFFVAC was quite vocal in this regard, stating repeatedly that nothing should interfere with the ability of the Office of the SFFVAC to attract location work within the City of San Francisco. This response was given by the Office of the SFFVAC in every instance in which the CGJ suggested measures to balance the location requests of filmmakers against possible incentives for the use of the local film industry labor or the quiet enjoyment rights of San Francisco residents.

In addition to the coordination of film permits from a neighborhood standpoint, the duties of the Executive Director of the SFFVAC also require the position coordinate the issuance of permits from various City departments. The CGJ inquired as to how this was accomplished without any guidelines or records in place to monitor the number of requests approved by the Office of the SFFVAC and sent on to other City departments. Of particular concern in this area was the potential overload of available SFPD resources by the Office of the SFFVAC.

The Office of the SFFVAC informed the CGJ that this was not a problem. There was no instance the Office of the SFFVAC could recall in which the PLES unit of SFPD had ever been unable to fulfill a permit request forwarded them by the Office of SFFVAC. It was further the position of the Office of the SFFVAC that if any problem were to occur related to SFPD manpower, it was the responsibility of the PLES unit of SFPD to negotiate with the film-makers and not the Office of the SFFVAC.

In later conversations with representatives of the PLES unit of the SFPD, the CGJ asked about the permit issuance policy of the Office of the SFFVAC and its potential to tax the resources of the SFPD. It should be noted that while the PLES unit is the supplier of all SFPD support for film production within San Francisco, film industry support requests account for only 20 percent of all support requests received by the PLES unit. The vast majority of support requests received by the PLES unit are the result of construction activities within San Francisco.

The representatives of the PLES unit confirmed many of the statements made by the Office of the SFFVAC as to the ability of the PLES unit to provide staff to film locations forwarded them by the Office of the SFFVAC. They did however, raise several important points, most notably in terms of potential overload.

It is true that there has not been an instance where the PLES unit was unable to fulfill a request for support made through the Office of the SFFVAC. There were many instances however, in which the PLES was forced to negotiate directly with the film company representative as to the location or date of a film permit issued by the Office of the SFFVAC or to reassign officers at the last minute in order to accomplish this. In one example relayed to the CGJ, shortly before the end of the shift on a Friday, the PLES unit had received approximately ten requests for support from the Office of the SFFVAC within one hour.

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This series of requests required an extraordinary degree of attention by the PLES unit staff and they should be commended for their ability to perform at such a level. It is clear to the CGJ that in many instances the PLES unit of the SFPD is relied upon to fulfill the duties of the Executive Director of the SFFVAC as they pertain to inter-departmental permit coordination.

In the promotional materials given the CGJ by the Office of the SFFVAC there lists a variety of services offered to prospective filmmakers. These include "Scouting Assistance," "Location Consulting and Assistance," "Industry / Government Liaison," and "Neighborhood Group Liaison" among others. This appeared to be completely at odds with the positions voiced by the Office of the SFFVAC to the CGJ.

In terms of location scouting and influence upon the final choice of location, the Office of the SFFVAC told the CGJ that it had very little say in where filming occurred. The CGJ was further told that all negotiations between film companies and local residents or merchants were strictly the responsibility of the privately employed location manager and were beyond the scope of the Office of the SFFVAC.

The Office of the SFFVAC neither facilitates such negotiations nor do they in anyway require that such negotiations take place. The outcome of any such negotiations is not a factor in the approval of film permits by the Office of the SFFVAC. When asked what recourse an adversely affected resident or merchant would have in the event that negotiations proved unproductive, the Office of the SFFVAC informed the CGJ that it would be up to the affected parties to file suit in small claims court.

It was further the position of the Office of the SFFVAC that the Location Manager, a privately employed representative of the film company, should be the only contact number listed on notices of filming provided to residents and businesses in areas scheduled for filming. The CGJ noted that this provided no contact for the City office that issued the permit or for the police unit which supplied SFPD officers to the scene.

The Office of the SFFVAC reiterated its position that it has no obligation to facilitate negotiations between the film companies and the residents or merchants of San Francisco though there was no reasoning expressed by the Office of the SFFVAC for omitting contact information for the PLES unit. It should be noted that shortly prior to the publication of this report the CGJ received a fax transmission from the Office of the SFFVAC. This transmission included an amended version of the Public Notification Form distributed by the Office of the SFFVAC to prospective filmmakers which did include contact information for the Office of the SFFVAC. It is unclear to the CGJ whether this is a prototype of a planned revision of the form or an actual revision already in use.

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While speaking to representatives of the PLES unit, the CGJ relayed the position of the Office of the SFFVAC as it pertained to the inclusion of contact information for the Office of the SFFVAC in the public notification form. The CGJ then inquired as to any objections the PLES unit might have to the listing of their contact information as a standard requirement in any public notification of proposed filming. Both of the PLES unit representatives interviewed felt that this information would be of use to the public and favored its inclusion in any public notification of proposed filming.

3. Procedures of the Office of the SFFVAC

In the course of its investigation, the CGJ requested the Office of the SFFVAC provide the CGJ with data as to the quantity and duration of filming conducted in the various districts of San Francisco. The number and types of complaints received by the Office of the SFFVAC, and any economic impact statistics the Office of SFFVAC had collected were also requested by the CGJ at this time.

The Office of the SFFVAC informed the CGJ that they did not collect any economic impact statistics as such though there was an informal expense survey that was circulated sporadically which would be made available to the CGJ. The CGJ was also told that none of the data generated by the Office of the SFFVAC had been collected in any form. The CGJ was informed that this information was available only in the form of the original documents kept on file at the Office of the SFFVAC.

A subsequent visit to the Office of the SFFVAC by the CGJ to review this data illustrated vividly to the CGJ the degree to which disorganization permeates the Office of the SFFVAC. When the CGJ asked to see the files containing the data requested the Office of the SFFVAC produced roughly a dozen large cardboard boxes, each containing a variety of documents created during a particular year.

These files consisted of folders representing the months of the year which were filled with permits, notifications, and the informal economic survey that had been circulated as well as other documents created within a particular month. There was no way for the CGJ to cross reference permits by production company or the location of the filming without examining each piece of paper for pertinent information by hand.

During this visit to the Office of the SFFVAC the question arose as to how well the Office of the SFFVAC tracked upcoming productions without the use of a database or some similar organizational aid. The CGJ was shown a large paper calendar on which the titles of the day's productions are written. This is the extent to which the Office of SFFVAC monitors upcoming or on-going location filming in San Francisco.

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The CGJ also requested that any and all complaints received by the Office of SFFVAC be made available for review during this visit. While the CGJ understood that the contact number for the Office of the SFFVAC is not required to be listed on the public notification form it was still expected by the CGJ that some residents would search out the number in the phone book for themselves. The CGJ was dismayed to learn that the Office of the SFFVAC does not record citizen complaints made by telephone to their office.

As the Office of the SFFVAC does not record citizen complaints made by telephone to their office, the CGJ then asked to see any and all written complaints. The Office of the SFFVAC directed the CGJ back to the cardboard boxes explaining that there were no dedicated complaint records as such but that any complaints would be filed by the month and year they were made in the same fashion as the other records.

The CGJ mentioned the degree of difficulty such a filing system created for anyone wishing to review a particular area of the Office of the SFFVAC and questioned whether it might not be in the best interest of the Office of SFFVAC to organize its files. It is the position of the Office of the SFFVAC that they have neither the staff nor the funding available to devote the time needed to complete such an organization.

It should be noted that the PLES unit, which often is called upon to deal with both film companies and the general public, is staffed with an equal number of employees as the Office of the SFFVAC. With its limited resources the PLES manages to keep detailed files on all its activities, only 20 percent of which are related to film production. It is the opinion of the PLES that their database is a very effective management tool. The CGJ considers it unfortunate that the Office of the SFFVAC does not share this opinion.

4. Public Perception of the Office of the SFFVAC

It became apparent to the CGJ during interviews with the Office of the SFFVAC that while the perceptions held by the film industry regarding the Office of the SFFVAC were considered to be of paramount importance to the successful growth of the San Francisco film industry, the Office of the SFFVAC gave little consideration to the perceptions formed by the public. When questioned by the CGJ as to how the Office of the SFFVAC considered itself perceived by the public there was initially no response by the Office of the SFFVAC. When the CGJ inquired a second time, the Office of the SFFVAC stated that many of the citizens of San Francisco supported the goals of the Office of the SFFVAC. It was pointed out at this time by the CGJ, that support for the goals of the Office of the SFFVAC is not the same as support for the Office of the SFFVAC. The Office of the SFFVAC did not amend this statement.

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The CGJ, in an attempt to discern the public perception of the Office of the SFFVAC, met with a wide variety of the general public and spoke to them about their experiences with and perceptions of the Office of the SFFVAC. Those interviewed by the CGJ included long established merchants as well as owners of newer businesses. Residents ranging from new arrivals to native San Franciscans were interviewed by the CGJ as well. The results of these interviews were disappointing to the CGJ.

The great majority of those interviewed by the CGJ were uncertain who or what the Office of the SFFVAC was. Those who had knowledge of the Office of SFFVAC considered it to be unreachable and unresponsive to their concerns. The CGJ heard many accounts of the Office of SFFVAC advising citizens to contact the Location Manager in order to work out disagreements.

Many of those interviewed by the CGJ indicated that in the event of some problem at the scene of location filming they would approach the police at the scene or telephone the PLES unit rather than contact the Office of the SFFVAC. The reason given for this was always the same. It is a pervasive opinion among the public that the Office of SFFVAC is unconcerned with their complaints. They are aware however that if the police are contacted there will be some action taken, regardless of how effective it may be.

The CGJ was very concerned with the amount of responsibility delegated to the various Location Managers by the Office of the SFFVAC and so a visit to a location film scene was arranged. At this time the CGJ observed the preparation involved in location filming as well as interviewing the Location Manager for this scene.

The Location Manager interviewed by the CGJ specializes in San Francisco locations. There are a variety of Location Managers living in the Bay Area who are used regularly by film companies but a company is free to bring their own Location Manager if they choose. As the CGJ interviewed this Location Manager several points were quickly made.

San Francisco benefits greatly from the use of Location Managers with experience working in a particular neighborhood. As a neighborhood becomes familiar with a Location Manager the residents tend to become more comfortable once they see that familiar face and there are inherently fewer conflicts. It was also pointed out to the CGJ at this time that due to the familiarity that is engendered by the use of the same Location Manager in a given neighborhood any conflicts that do arise are far easier for that familiar Location Manager to diffuse.

It was clear to the CGJ during the interview that the position of the Location Manager interviewed was that the use of specialized area Location Managers

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would show a number of benefits to the City. One eventual benefit cited was the elimination of the use by film companies of unresponsive Location Managers. This would be due to the difficulty an unresponsive Location Manager would have once he was compelled to deal with the same neighborhood more than once.

The main concern of the CGJ in regards to the apparent ceding of authority by the Office of the SFFVAC to the various Location Managers was a lack of oversight in regards to their quality. When questioned about this, the Office of the SFFVAC assured the CGJ that any Location Manager who behaved in a less than sterling manner would be hard pressed to find work in San Francisco again. The Office of the SFFVAC assured the CGJ several times in this regard, at one point insisting to the CGJ that word of mouth held more weight in the entertainment industry than any regulations the Office of SFFVAC might put in place.

This assertion by the Office of the SFFVAC was addressed by the CGJ during the interview of the Location Manager. The Location Manager informed the CGJ that this was incorrect. The Location Manager alluded to one particular colleague who had been at the center of innumerable conflicts and was still in use at the time of this interview. It was stated to the CGJ at this time that in the entertainment industry, "a Location Manager's bad reputation lasts a week, tops."

The CGJ informed the Location Manager of the statements made by the Office of the SFFVAC directly contradicting this statement. The CGJ was informed that, in the opinion of the Location Manager, the Office of SFFVAC is extremely ill informed regarding the actualities of film production and in need of both education and expertise in this area.

5. Comparison Between the Office of the SFFVAC and Similar Film Offices

One theme repeated again and again by the Office of the SFFVAC during interviews with the CGJ was the need for San Francisco to remain competitive among the various other metropolitan areas that vie for the attention of filmmakers. The cities of Los Angeles, New York and Toronto were among those consistently brought to the attention of the CGJ by the Office of the SFFVAC in order to illustrate this competition.

The CGJ reviewed the websites of the corresponding film offices of each of these municipalities, as well as those of other cities both large and small. It was noted by the CGJ that the Internet presence of the Office of the SFFVAC had far more in common with that of film offices representing communities considerably smaller than any of the cities mentioned by the Office of the SFFVAC.

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In New York City, all film production is facilitated by the Mayor's Office of Film, Theatre, and Broadcasting (MOFTB), an official arm of the Office of the Mayor of New York City. In reviewing the website of the MOFTB, the CGJ found that there were both restrictive procedures as well as economic incentives in place, balancing the protection of the citizenry against the need to attract use by the film industry. The MOFTB website (www.ci.nyc.us/html/filmcom/home.html) also provides a series of economic impact statistics allowing for a more concrete realization of the value of the film industry to the economy of New York City by its residents.

The City of Los Angeles employs a non-profit corporation whose officers are equally split between the government sector and members of various entertainment industry associations to facilitate and manage film requests within the City and County of Los Angeles, the Entertainment Industry Development Corporation (EIDC). Illustrating the status of the City of Los Angeles as the "entertainment industry capital of the world," the CGJ found the website of the EIDC (www.eidc.com) to be by far the most complete and informational Internet presence of those reviewed.

In addition to the listing of "Special Conditions," customized protections in place regulating filming procedures that cover nearly one hundred different neighborhoods, the EIDC website provides a wide variety of statistics to the general public. These include the number of complaints received from the public and the number of filming days permitted by the EIDC as well as various film production statistics provided for both Los Angeles City Council Districts and Los Angeles Supervisorial Districts.

The residents of Los Angeles are encouraged to register their homes with the EIDC for use as film locations on the EIDC website. Several pages are devoted to employment aids in the form of production calendars and contact information and the CGJ was impressed to find an area devoted to an environmental protection guide listing various environmental resources, as they pertain to film production.

The Canadian city of Toronto, Ontario was often mentioned by the Office of the SFFVAC as the most serious competitor San Francisco faced in the City's goal of increasing the presence of the San Francisco film industry. In Toronto, there are two organizations involved in the issuance of film permits, the Toronto Film and Television Office (TFTO) and the Ontario Film Development Corporation (OFDC).

The website of the TFTO (www.to-ontfilm.com/docs/ofdcmain/index.html) contains very little information on the TFTO itself. Several permit applications are available, as are several pages of a handbook very similar to the one offered on-line by the Office of the SFFVAC. The website of the TFTO however, is structured in such a way as to allow users access to the information compiled at

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the website of the OFDC. The OFDC does offer a website of its own (www.ofdc.on.ca) but the CGJ found the OFDC information to be more easily accessed through the TFTO website.

The information supplied by the OFDC is somewhat more complete. The CGJ found there to be listings of requirements and procedures for film-work relating both to Ontario in general and Toronto specifically as well as a variety of listings promoting the use of Canadian labor and production facilities. The CGJ found there to be no economic impact statistics available at either of these sites though there were several portions marketing the economic advantages of filming in Canada. These included tax incentives as well as reminders of the high rate of exchange afforded United States currency compared to the Canadian dollar.

The CGJ also visited the websites of many other film offices across the United States and Canada. These offices represented areas ranging from entire states to sparsely populated counties. The result of a comparison with the Office of SFFVAC website and these various film office websites found San Francisco's Internet presence to be lacking.

The Office of SFFVAC listed the cities of Los Angeles, New York, and Toronto as the main competition San Francisco faces in attracting film-work to the City. The websites of these film offices are concise, informative and vastly superior to the website of the Office of the SFFVAC. After an extensive search of the Internet and a comparison of available information, it is the position of the CGJ that the website of the Office of the SFFVAC is comparable to the Internet presence of the Antelope Valley Film Office (AVFO) on their website (www.avfilm.com).

Antelope Valley is a region encompassing northern Los Angeles and eastern Kern counties located in the California high desert approximately ninety miles north of Anaheim, California. The CGJ has little doubt that Antelope Valley is a lovely community in which to live and work. The CGJ was dutifully impressed by the Internet presence of the AVFO in light of what must be considerably limited resources compared to those of the Office of SFFVAC.

Conversely, it is the opinion of the CGJ that the limited nature of the information made available by the Office of SFFVAC on their website is reason for embarrassment and should be addressed as a top priority. If for no other reason, the CGJ feels this should be done in the interest of correcting the prevalent entertainment industry opinion relayed on several occasions to the CGJ, that San Francisco is uninformed, naive and poorly equipped to maintain a viable film industry.

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6. Film Production Special Fund

Section 57.10 of the San Francisco Administrative Code entitled, "Establishment of Film Production Special Fund; Expenditures; Continuous Appropriation" details the creation of the Film Production Special Fund which is the source of operational funds for the Office of the SFFVAC (See Appendix A.). The Film Production Special Fund is the recipient of 50 percent of all revenues received by the City for film permits with the remaining 50 percent held in reserve for costs incurred by various City departments related to film productions. The Executive Director oversees the apportionment of these funds.

The Film Production Special Fund is dedicated to the specific use of the SFFVAC. The balance of the Film Production Special Fund is carried forward and accumulated each fiscal year. As stated in SF Administrative Code Sec. 57.10., it is the responsibility of the Office of the SFFVAC to file an annual report with the Board of Supervisors detailing all revenues and expenditures of the Commission during the immediately preceding fiscal year at the same time the Office of SFFVAC presents their annual budget to the Mayor's Office.

The CGJ conducted three separate interviews with the Office of the SFFVAC. The first was in October 1999, the second in February 2000, and the final interview was conducted in May 2000. In April 2000, between the second and third interviews conducted, the CGJ released an interim report detailing the lack of compliance with reporting requirements on the part of many City departments including the Office of the SFFVAC.

In each of the meetings between the CGJ and the Office of the SFFVAC, the CGJ inquired as to the disposition of these required annual reports. In each of the first two interviews the Office of the SFFVAC refused to acknowledge responsibility for this report, somehow concluding that it was the responsibility of the Mayor's Office to present the Board of Supervisors with an accounting of the Film Production Special Fund.

The third meeting between the CGJ and the Office of SFFVAC took place in May 2000, following the release of the CGJ Interim Report, "Neglect of Reporting Requirements" the previous month. When the Office of the SFFVAC was once again questioned by the CGJ as to the disposition of this required annual report the Office initially denied that such a requirement existed. When the CGJ pointed out that SF Administrative Code Sec. 57.10. appears to apply expressly to the Office of the SFFVAC, the CGJ was told that the Office of the SFFVAC would have to consult with the City Attorney before commenting further.

The Film Production Special Fund has been in existence for over ten years. In that time, 50 percent of all revenue generated by the issuance of film permits by the Office of SFFVAC has been deposited in this fund. The use of this fund is at

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the discretion of a very few people. The CGJ finds it unacceptable that there appears to have never been a public accounting of this fund.

It was impossible for the CGJ to determine either the value or the disposition of this fund, as there were no statistics made available to the CGJ as to either the number of shooting days permitted or the amount of monies received by the Office of SFFVAC. The Office of the SFFVAC, seemingly unclear that it was responsible for the disposition of this fund, was also of little help in this regard.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion (1)

The Office of the SFFVAC disputes the contention of the CGJ that it is the responsibility of the SFFVAC under SF Administrative Code Sec. 57.10 to provide the Board of Supervisors with an annual accounting of the Film Production Special Fund.

Recommendation (1)

The Board of Supervisors should formally convey to the Office of the SFFVAC the duties of the SFFVAC as required by SF Administrative Code Sec. 57.10.

Required Response

Mayor
Board of Supervisors
Executive Director of the SFFVAC

Conclusion (2)

The Office of the SFFVAC has no record that the SFFVAC has ever compiled or submitted to the Board of Supervisors an annual accounting of the Film Production Special Fund as required by SF Administrative Code Sec 57.10.

Recommendation (2)

The Office of the SFFVAC should be brought into compliance with SF Administrative Code Sec 57.10 and present the Board of Supervisors with the required annual accounting of the Film Production Special Fund.

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Required Response

Mayor
Board of Supervisors
The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (3)

The Office of the SFFVAC maintains no database of any kind and is unable to effectively review or manage the information generated by film-work within San Francisco. Further, an effective review of the Office of the SFFVAC is rendered extremely difficult by virtue of this lack of information.

Recommendation (3)

It is vital, from a management standpoint that the Office of SFFVAC abandon the cardboard box data collection system exhibited to the CGJ. Whether in the form of dedicated software or the use of available retail office management software, the Office of the SFFVAC must institute a system for the collection of the various pertinent data generated by film-work within San Francisco.

Required Response

The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (4)

The Office of the SFFVAC is unable to cite any program or other proactive measure taken in fulfillment of the City's long-term goal regarding the expansion of the San Francisco film industry.

Recommendation (4)

The Office of the SFFVAC should be instructed by the Mayor and the Commission to institute a concise series of procedures along the lines of those instituted by the film offices of other cities heavily utilized by film-makers to actively promote the expansion of the San Francisco Film Industry.

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Required Response

Mayor
The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (5)

The Office of the SFFVAC does not adequately coordinate the issuance of film permits with other City departments, particularly the PLES unit of the SFPD. The Office of the SFFVAC relies far too heavily on the good nature and work ethic of the staff of the PLES and the various location managers to solve any problems created by the issuance of film permits by the Office of the SFFVAC.

Recommendation (5)

The Office of the SFFVAC should be directed by the Mayor and the Commission to actively collect and analyze data relating to the number of permits issued by the Office of the SFFVAC. The Office of the SFFVAC should be directed to use this information to avoid unfairly impacting the resources of other city agencies. The Office of the SFFVAC should further be directed to take a more proactive role in the details arising from film work in San Francisco rather than shunting the responsibility to other City departments.

Required Response

Mayor
The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (6)

The Office of the SFFVAC delegates an unacceptable degree of its responsibilities as "neighborhood liaison" to various employees of the film companies.

Recommendation (6)

It is unacceptable that a department of the City of San Francisco would completely delegate the responsibility assigned it to a privately employed individual over which it could exercise no controls. To rely upon the professionalism of a myriad of such people employed by dozens of private companies with interests potentially at odds with those of its citizens, borders on derelict. The Office of the SFFVAC should be sternly admonished by the Mayor

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and the Commission and instructed to take a more proactive role in the notifications and negotiations provided neighborhoods during their use as film locations.

Required Response

Mayor
The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (7)

The Office of the SFFVAC does not use a standard public notification form. A suggested sample is provided within the "Film Production Guide" which requires only that the name and phone number of the location manager employed by the film company requesting the film permit be provided. There are no requirements that contact information be provided for either the Office of the SFFVAC or any other participating City department.

Recommendation (7)

The Office of the SFFVAC should be instructed by the Mayor and the Commission to institute a standard notification form to be distributed at all film locations prior to filming including the contact information for both the Office of the SFFVAC and any other participating City departments.

Required Response

Mayor
The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (8)

The Office of the SFFVAC has a low public profile. The majority of residents the CGJ spoke to had no idea who or what the SFFVAC was. Of those who were aware of the Office of the SFFVAC, many felt it to be unresponsive to their needs.

Recommendation (8)

The Mayor and the Commission should educate the Office of the SFFVAC as to the correlation between the public perception that the Office of the SFFVAC is unresponsive to the needs of the residents and merchants of San Francisco and

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a lack of public support for film-work in City neighborhoods. Contact information for the Office of the SFFVAC should be present on every document submitted to the public regarding film production in their neighborhood. The Mayor, the Commission and the Office of the SFFVAC should each take the necessary steps required to improve the existing public image of the Office of the SFFVAC.

Required Response

Mayor

The San Francisco Film and Video Arts Commission

The Executive Director of the SFFVAC

Conclusion (9)

The Office of the SFFVAC is viewed by the members of the entertainment industry interviewed by the CGJ as being naive as to the procedures and unskilled in the nuances involved in successfully managing location film-work.

Recommendation (9a)

The Office of the SFFVAC would greatly benefit from instruction in all aspects of location film production. In addition there is a great need for the SFFVAC to improve both the clerical and communication skills of the Office of the SFFVAC. It is the recommendation of the CGJ that this education be provided to the Office of the SFFVAC.

Required Response

Mayor

The San Francisco Film and Video Commission

The Executive Director of the SFFVAC

Recommendation (9b)

The CGJ further recommends that the Mayor and the Commission seriously examine the Office of the SFFVAC giving consideration to the inclusion of staff possessing significant practical film production experience. Should budgetary constraints preclude this, replacement of existing staff should be considered. It is the opinion of the CGJ that the addition of staff with this type of experience to the Office of the SFFVAC staff would greatly aid in the promotion of the San Francisco film industry. It is further the opinion of the CGJ that such an inclusion of staff by the Office of the SFFVAC will allow for a more productive dialog between the Office of the SFFVAC and the public.

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Required Response

Mayor
The San Francisco Film and Video Arts Commission
The Executive Director of the SFFVAC

Recommendation (9c)

It is the recommendation of the CGJ that the Board of Supervisors revisit the Administrative Code as it pertains to the San Francisco Film and Video Commission. The intent of this recommendation being to correct the lack of required film industry vocational experience among either the Commissioners of the SFFVAC or the Office of SFFVAC staff. The CGJ considers the inclusion of such knowledgeable individuals to be necessary to the effective expansion of the San Francisco film industry.

Required Response

Board of Supervisors

Conclusion (10)

The Office of the SFFVAC fails to adequately provide alternative location and scouting assistance resulting in the excessive use of some neighborhoods by film companies.

Recommendation (10)

The Office of the SFFVAC should be directed by the Mayor and the Commission to compile and analyze all data relating to neighborhood filming in San Francisco remaining mindful to avoid the excessive approval of film permit requests on any one street or in any one neighborhood.

Required Response

Mayor
The San Francisco Film and Video Commission
The Executive Director of the SFFVAC

Conclusion (11)

The Office of the SFFVAC has no requirements for neighborhood permission or consensus among areas impacted by location filming. The Office of the SFFVAC is uninvolved in public interaction in this regard, delegating all responsibilities for

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public representation to the location manager employed by the film company that requests the film permit.

Recommendation (11)

A series of protective procedures such as those in use in Los Angeles, CA and Toronto, Ontario should be negotiated between the Office of the SFFVAC and the various neighborhood associations of San Francisco. These procedures should then be instituted by the Office of the SFFVAC and included in all of their informational materials both printed and electronic.

Required Response

Mayor

The San Francisco Film and Video Arts Commission

The Executive Director of the SFFVAC

Conclusion (12)

The Office of the SFFVAC does not maintain statistics on complaints registered by the public with their office. Public complaints made to the Office of the SFFVAC by telephone are not recorded or addressed by the Office of the SFFVAC in any way. This is particularly disturbing in light of the fact that each and every example of a public complaint that the CGJ shared with the Office of the SFFVAC was discounted as an isolated event, if not completely fabricated.

Recommendation (12)

The Office of the SFFVAC should be instructed by the Mayor and the Commission to institute a telephone complaint line in order for the public to register their complaints with the SFFVAC. The Office of the SFFVAC should further be instructed by the Mayor and the Commission to document any and all public complaints, whether received by telephone, electronic mail, or written form, in a database devoted specifically to such complaints.

Required Response

Mayor

The San Francisco Film and Video Arts Commission

The Executive Director of the SFFVAC

SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

Conclusion (13)

The current Film Production Guide distributed by the Office of the SFFVAC is both out of date and inaccurate. In addition, it is extremely superficial and contains no statistical information of any kind, rendering it of very little educational use to the public.

Recommendation (13)

The Film Production Guide in use by the Office of the SFFVAC needs to be completely rewritten. The new guide should include standardized examples of the necessary forms complete with contact information for the Office of the SFFVAC, a standardized complaint form, statistics compiled by the Office of the SFFVAC pertaining to economic impact, and employment statistics relating to the San Francisco film industry. The new guide should showcase any and all information useful to the expansion of the City's film industry.

Required Response

Mayor

The San Francisco Film and Video Commission

The Executive Director of the SFFVAC

Conclusion (14)

The Internet presence of the Office of the SFFVAC is woefully substandard in comparison to those maintained by the film offices of those cities often used as locations by filmmakers. The website maintained by the Office of the SFFVAC is essentially an electronic version of the Film Production Guide and fails to provide the public with any meaningful educational material.

Recommendation (14)

The websites of the film offices of Los Angeles, New York and Toronto, Ontario are seen by the CGJ as examples of what the Office of the SFFVAC should emulate. The Office of the SFFVAC should be instructed by the Mayor and the Commission to include on the SFFVAC website the results of all procedures that are instituted by the Office of the SFFVAC for the collection and dissemination of data. All necessary forms, bearing the contact information for the Office of the SFFVAC should also be made available on-line. The CGJ believes this to be an extremely appropriate forum for the Office of SFFVAC to act as an advocate for the San Francisco film industry and any programs, listings, or referrals that advance this concept should also be made available on-line by the Office of the SFFVAC as well.

SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

Required Response

Mayor

The San Francisco Film and Video Arts Commission

The Executive Director of the SFFVAC

SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

APPENDIX A

San Francisco Administrative Code Section 57.1-57.13



APPENDIX A

SAN FRANCISCO ADMINISTRATION CODE

CHAPTER 57 FILM AND VIDEO ARTS COMMISSION

Sec. 57.1.

Definitions.

Sec. 57.2.

Establishment of Commission; Appointment of Commissioners; Qualifications; Terms of Office; Compensation.

Sec. 57.3.

Powers and Duties.

Sec. 57.4.

Meetings.

Sec. 57.5.

Authorization to Enter Into Use Agreements and Coordinate City Departments Regarding Film Companies; Consent of Relevant Departments; Cost Recovery.

Sec. 57.6.

Requirements for Film Companies.

Sec. 57.7.

Authority and Duties of the Chair of the Commission.

Sec. 57.8.

Authority and Duties of Executive Director.

Sec. 57.9.

Rules and Regulations.

Sec. 57.10.

Establishment of Film Production Special Fund; Expenditures; Continuous Appropriation.

Sec. 57.11.

Exceptions.

Sec. 57.12.

City Undertaking Limited to Promotion of General Welfare.

Sec. 57.13.

Severability.

SEC. 57.1. DEFINITIONS.

(a)"City" means the City and County of San Francisco.

(b)"Film" means feature motion pictures, video tapes, television programs, commercials, still photography, documentaries, travelogues, music videos and other visual art forms; provided however, that "film" shall not mean films or video tapes for private-family use or films by any news service or similar entity engaged in on-the-spot broadcasting of news events.

(c)"Film company" means any individual, corporation, firm, partnership, or other organization however organized engaged in film production.

(d)"Film production" means the activity of making a film for commercial or noncommercial property where that activity (1) requires the use of City employees or equipment or (2) interferes to any substantial degree with the ordinary use and enjoyment of public streets or sidewalks or other property under the jurisdiction of the City.

(e)"Commission" means the Film and Video Arts Commission of the City and County of San Francisco. (Added by Ord. 464-88, App. 10/12/88; amended by Ord.

SEC. 57.2. ESTABLISHMENT OF COMMISSION; APPOINTMENT OF COMMISSIONERS; QUALIFICATIONS; TERMS OF OFFICE; COMPENSATION.

(a) Establishment of Commission. A Film and Video Arts Commission for the City and County of San Francisco (referred to hereafter in this Chapter as "Commission") is hereby created consisting of eleven (11) members.

(b) Appointment of Commissioners; Qualifications. The members of the Commission shall be appointed by and serve at the pleasure of the Mayor. At least six members of the Commission shall be residents of the City and County of San Francisco. The Commission shall be composed of outstanding members of the community. The membership of the Commission may include members who have experience in areas such as: Performing and Creative Arts, Production, Film/Video or Sound Technology, Services and Facilities, Education, Presentation and Producing, Interactive Multimedia, and shall be broadly representative of ethnic, racial, gender, age and sexual orientation groups, and shall otherwise reflect the diversity of the City and County. The President of the Art Commission of the City and County shall be invited to serve as a nonvoting, ex-officio member of the Film and Video Arts Commission.

(c) Term of Office. Within 60 days of the effective date of this amendment to Chapter 57, the Mayor shall appoint 11 Commissioners. Of the 11 Commissioners appointed, three shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years. The term of office of each Commissioner shall be determined by the drawing of lots at the first meeting of the Commission after the appointment of the 11 Commissioners. Thereafter, members shall be appointed for a term of office of four years, except that all of the vacancies occurring during a term shall be filled for the unexpired term.

(d) Compensation. Members of the Commission shall not be compensated for their service as members of the Commission. Members of the Commission may be reimbursed for expenses incurred as members of the Commission resulting from their authorized activities on behalf of the Commission.

(e) Selection of Chair. The Commission shall, annually, select a Chair who shall serve for a term of one year. The Commission may reappoint a Chair to serve additional terms.

(f) Executive Director. The Commission shall appoint an Executive Director of the Commission who shall serve at the Commission's pleasure. The Executive Director shall act as the department head and appointing officer of the Commission pursuant to Charter Section 3.501. This position is intended to replace the position of Mayor's Office Film Coordinator, and shall initially be compensated at the same rate as the Mayor's Office Film Coordinator was being compensated. This position shall be compensated from the same source of monies as was the Mayor's Office Film Coordinator. The Executive Director shall supervise the Commission's staff, and shall have other duties and responsibilities as provided in this Chapter. (Added by Ord. 425-89, App. 11/21/89; amended by Ord. 358-91, App. 10/2/91)

SEC. 57.3. POWERS AND DUTIES.

The Commission shall develop, recognize, and promote film and video activities in the City and County. The members shall work together and explore and promote long-term goals for film-making as a major emphasis of the City's economic and cultural base, and encourage the recognition of film and video arts as an art form with widespread economic components. The powers of the Commission shall include, but not be limited to:

- (a) The stimulation of community awareness of the art forms of film and video;
- (b) The promotion of long-range investment in projects originating in the San

Francisco area, such as scripts, film proposals, treatments, and shorter works;

(c)The coordination of the awareness of film and video arts and economic opportunities throughout the school systems so as to provide training at the universities and community colleges for technicians, craft skills, and creative talent in the area;

(d)The coordination of communications among the various sectors of the film and video industry and cultivation of outreach so as to raise the public relations image. The Commission shall work to maintain the communication of issues and concerns, and to present, out of the City and abroad, the major assets and advances of San Francisco;

(e)The acceptance of gifts, devises and bequests as provided in Charter Section 3.500(d).

(f)The maintenance of liaison with other specific interest groups, councils, organizations, and institutions, and the maintenance of liaison with the Art Commission from the perspective of film and video arts;

(g)Providing perspective for both the Mayor and the Board of Supervisors with respect to long- range promotion, development and planning for a significant film and video arts base in San Francisco. (Added by Ord. 425-89, App. 11/21/89; amended by Ord.

358-91, App. 10/2/91)

SEC. 57.4. MEETINGS.

Meetings of the Commission shall be convened by the Chair of the Commission.

Meetings shall be held on a regular basis, to be determined by the Commission. (Added by Ord. 425- 89, App. 11/21/89; amended by Ord. 358-91, App. 10/2/91)

SEC. 57.5. AUTHORIZATION TO ENTER INTO USE AGREEMENTS AND COORDINATE CITY DEPARTMENTS REGARDING FILM COMPANIES; CONSENT OF RELEVANT DEPARTMENTS; COST RECOVERY.

(a)Use Agreements; Deposit of Funds. The Executive Director may enter into use agreements with organizations seeking to engage in film productions. The Executive Director shall be the sole City representative authorized to negotiate use agreements. Such agreements shall, at a minimum, provide for the full recovery of costs incurred by the various City departments in providing the use of City employees, equipment and rental facilities or rental properties. Funds to reimburse City departments for costs incurred by those departments for the deployment of personnel or equipment or use of rental facilities or rental properties shall be paid directly to those departments for deposit subject to the budget and fiscal provisions of the Charter.

(b)Consent of Departments or Mayor. Use agreements entered into pursuant to this Section shall provide that where film productions are to take place on property under the jurisdiction of City departments, the permission to use such property is subject to the consent of the department head or his or her designee or the Mayor or Mayor's designee.

(c)Schedule of Costs. In addition to the reimbursement of City departments for the costs incurred by those departments in deploying personnel or equipment, the following daily charges shall be assessed to film companies seeking to engage in film productions:

Videos, documentaries, print, travel or corporate/industrial films\$100

Commercials\$200

Television programs or feature films\$300

Student, educational or nonprofit productionsNo fee

Fifty percent of the revenue generated by such charges shall be deposited in the Film Production Special Fund. The remaining 50 percent of such funds shall be deposited in a reserve fund to be established by the Controller and held in reserve for City departments that incur costs related to film productions. The Executive Director shall determine the apportionment of reserved funds for these various departments. Such departments may use

these funds subject to the budgetary and fiscal provisions of the Charter, provided that funds earmarked for the Municipal Railway shall be deposited to the Public Utilities Award Fund (Account No. 739771). (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91; Ord. 287-96, App. 7/12/96)

SEC. 57.6. REQUIREMENTS FOR FILM COMPANIES.

(a) Use Agreements. All film companies seeking to engage in film productions shall enter into use agreements with the Executive Director.

(b) Insurance and Indemnification. As a condition of engaging in film productions, concurrently with entering into a use agreement with the City for the utilization of City property or employees, film companies shall file with the Executive Director documentation of insurance and indemnification holding the City and County harmless from any liability. The amounts of such insurance and indemnification, and the suitability of the insuring entity, shall be determined by the City's Risk Manager in coordination with the Executive Director and other City departments. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SEC. 57.7. AUTHORITY AND DUTIES OF THE CHAIR OF THE COMMISSION.

In addition to any other authority vested in or duty charged to him or her, the Chair of the Commission shall have the duty and authority to convene meetings of the Commission, and to maintain liaison with the Art Commission from the perspective of film and video arts. (Added by Ord. 425-89, App. 11/21/89; amended by Ord. 358-91, App. 10/2/91)

SEC. 57.8. AUTHORITY AND DUTIES OF EXECUTIVE DIRECTOR.

In addition to any other authority vested in or duty charged to him or her, the Executive Director shall serve as the liaison between the film companies and the various City departments. In performing his or her duties as liaison, the Executive Director shall assist the film companies in locating suitable locations and shall coordinate the efforts of the various City departments in connection with the production of motion pictures, films, television programs, music videos and other visual arts utilizing City property or employees. The Executive Director shall also be responsible for coordinating any and all film permits required by the City for film and video productions in the City. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SEC. 57.9. RULES AND REGULATIONS.

The Commission may adopt rules and regulations to implement and further the purposes of this Chapter. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SEC. 57.10. ESTABLISHMENT OF FILM PRODUCTION SPECIAL FUND; EXPENDITURES; CONTINUOUS APPROPRIATION.

There is hereby created and established a special fund to be known as the Film Production Special Fund. Said fund shall be used exclusively for administering this Chapter and promoting San Francisco as a location for film productions. All expenditures shall be approved by the Commission. All funds deposited in said special fund shall be deemed continuously appropriated for the purposes set forth in this section and the Controller shall

make such funds available for expenditure.

Any unexpended balances remaining in fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

The Commission shall prepare and file with the Board of Supervisors, at the same time the Commission files with the Mayor a proposed fiscal year budget, an annual report that shall detail all revenues and expenditures of the Commission during the immediately preceding fiscal year. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SEC. 57.11. EXCEPTIONS.

This Chapter shall not apply to film or photographic activities occurring in the buildings or on the grounds of the San Francisco War Memorial Performing Arts Center or San Francisco Convention Facilities or where inconsistent with State law, the Charter or contractual agreements. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SEC. 57.12. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers or employees, an obligation for breach of which the City is liable in money damages to any person who claims that such breach proximately caused injury. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SEC. 57.13. SEVERABILITY.

If any part of this Chapter, or the application thereof, is held to be invalid, the remainder of this Chapter shall not be affected thereby, and this Chapter shall otherwise continue in full force and effect. To this end, the provisions of this Chapter, and each of them, is severable. (Added by Ord. 464-88, App. 10/12/88; amended by Ord. 425-89, App. 11/21/89; Ord. 358-91, App. 10/2/91)

SAN FRANCISCO FILM AND VIDEO ARTS COMMISSION

APPENDIX B

Permit in use by the Port of San Francisco for location film production

**SAN FRANCISCO PORT COMMISSION
FERRY BUILDING
SAN FRANCISCO, CA 94111**



**LICENSE TO USE PROPERTY
BASIC LICENSE INFORMATION**

Licensee:

Licensee is: Corporation ☐ Individual ☐ Partnership ☐ Other _____

Licensee address:

Activity:

Contact:

Name

Phone No.

Fax No.

Activity Date(s):

Location:

Fees (Section 3): \$

Security Deposit (Section 5):

Utilities & Services (Section 9.a, 9.b):

Maintenance and Repairs (Section 9.c):

Cure Period (Section 13a.(2):

Mineral Reservation (Section 21): California Grid System, Zone 3, Beginning at a point where X equals 1,454,000 and Y equals 478,000 extending 2,500 feet south, thence 1,500 feet east, thence 2,500 feet north and thence 1,500 feet west, ending at said point of beginning.

Address for Notices to Licensee (Section 12):

Address for Notices to Port:

Port of San Francisco

Room 3100 Ferry Building

San Francisco, CA 94111

Attn: Director, Real Estate Division

This License, dated for reference purposes only as of _____, is by and between the City and County of San Francisco, a municipal corporation ("City"), operating by and through the San Francisco Port Commission ("Port"), and Licensee, who agree as follows:

1. **Basic License Information.** The Basic License Information that appears on the preceding pages of this License is hereby incorporated by reference into this License and shall become part of the terms and conditions hereof.

2. **Grant of License.** The SAN FRANCISCO PORT COMMISSION, in consideration of the stated conditions and agreements, hereby grants permission to Licensee to carry on the above-stated activity in the time, place and manner set forth herein. The parties acknowledge that the relationship created hereby is that of a license granting Licensee a privilege to perform the activities permitted hereunder upon Port property. The parties further acknowledge that this License is revocable by Port pursuant to the terms hereof, and does not convey to Licensee an exclusive right to possession of the License Area.

3. **Fees.** Licensee shall pay the Fees set forth in the Basic License Information on or before the first day of the Activity Date set forth in the Basic License Information, and thereafter if applicable, upon the first day of each month during the term of this License.

4. **Late Charges.** Licensee acknowledges that late payment by Licensee to Port of Fees due hereunder will cause Port increased costs not contemplated by this License, the exact amount of which will be extremely difficult to ascertain. Such costs include, but are not limited to, processing and accounting charges. Accordingly, a fee equivalent to one and one-half percent (1-1/2%) of all Fees, or any portion thereof, which is due and unpaid for more than thirty (30) days will be paid by Licensee for each month that such Fees, or any portion thereof, remain due and unpaid, plus reasonable attorneys' fees incurred by Port by reason of Licensee's failure to pay Fees when due under this License. Late Charges shall be computed from the date on which such Fee(s) first became due. The parties agree that such Late Charges represent a fair and reasonable estimate of the cost which Port will incur by reason of any late payment by Licensee.

5. **Security Deposit.** Licensee shall pay to Port on or before the first Activity Date hereof, in addition to the advance payment of the Fees, the security deposit, in cash, in the sum specified in the Basic License Information, as security for the faithful performance by Licensee of all terms, covenants and conditions of this License. Licensee agrees that Port may (but shall not be required to) apply the security deposit in whole or in part to (a) pay any sum due to Port under this License; (b) compensate Port for any damage to the License Area caused by Licensee; or (c) cure any default by Licensee. If Port uses any portion of the security deposit to cure any default by Licensee hereunder, Licensee shall immediately replenish the security deposit to the original amount. Port's obligation with respect to the security deposit is solely that of debtor and not trustee. Licensee shall not be entitled to any interest on such deposit. If Licensee is not in default at the termination of this License, Port shall return the unused balance of the security deposit to Licensee after Licensee vacates the License Area. The amount of the security deposit shall in no way limit Licensee's obligations under this License, and nothing contained in this section shall in any way diminish or be construed as waiving any of Port's other remedies set forth in this License or provided by law or equity.

6. **Activity.** If the Basic License Information limits the times and location of the activities permitted hereunder, then Licensee shall not conduct the activity at times and locations other than at the times and locations hereinabove specified unless express permission is granted.

7. **Use.** Licensee shall not use Port property in any manner that will constitute waste, nuisance or unreasonable annoyance to Port, its Licensees or the owners or occupants of adjacent properties. Licensee's operations hereunder shall not interfere with Port's use of its property. Operations hereunder must not obstruct traffic. Persons subject to this License must comply with the directions of the San Francisco Police Department and Fire Department in connection therewith.

8. **Compliance with Laws and Regulations.** Licensee, at Licensee's sole cost and expense, promptly shall comply with all laws, statutes, ordinances, resolutions, regulations, judicial decisions, proclamations, orders, decrees or policies of any municipal, county, state or federal government or the departments, courts, commissions, boards and officers thereof, or other governmental or regulatory authority with jurisdiction over the Licensee and the License Area or any portion thereof, including without limitation, the Port (collectively, "Laws") relating to or affecting the condition, use or occupancy of the License Area in effect either at the time of execution of this License or which may hereafter be in effect at

any time during the term hereof, whether or not the same are now contemplated by the parties.

9. Utilities, Services, Maintenance and Repairs.

a. **Utilities.** Licensee shall make arrangements and shall pay all charges for all utilities to be furnished on, in or to the Premise or to be used by Licensee, including, without limitation, gas, electrical, water, sewer and telecommunication services. Licensee shall pay all charges for said utilities, including charges for the connection and installation of the utilities.

b. **Services.** Licensee shall make arrangements and shall pay all charges for all services to be furnished on, in or to the License Area or to be used by Licensee, including, without limitation, garbage and trash collection, janitorial service and extermination service.

c. **Maintenance and Repairs.** Except as otherwise provided in the Basic License Information, Licensee shall at all times during the term of this License, and at its sole cost and expense, maintain and repair in good and working order, condition and repair the License Area and all improvements and alterations thereon. Port shall not be obligated to make any repairs, replacement or renewals of any kind, nature or description whatsoever to the License Area nor to any improvements or alterations now or hereafter located thereon. In the event that Licensee, its agents or invitees cause any damage (excepting ordinary wear and tear) to the License Area, Port may repair the same at Licensee's expense and Licensee shall immediately reimburse Port therefor.

10. **Taxes and Assessments.** Licensee agrees to pay to the proper authority any and all taxes, assessments and similar charges on the License Area in effect at the time this License is entered into, or which become effective thereafter, including all taxes levied or assessed upon the possession, use, or occupancy, as distinguished from the ownership to the License Area. Licensee, on behalf of itself and any permitted successors and assigns, recognizes and understands that this License may create a possessory interest subject to property taxation and that Licensee, and any permitted successor or assign may be subject to the payment of such taxes. Licensee, on behalf of itself and any permitted successors and assigns, further recognizes and understands that any assignment permitted hereunder and any exercise of any option to renew or extend this License may constitute a change in ownership for purposes of property taxation and therefore may result in a revaluation of any possessory interest created hereunder. Licensee shall report any assignment or other transfer of any interest in this License or any renewal or extension hereof to the County Assessor within 60 days after such assignment transaction or renewal or extension. Licensee further agrees to provide such other information as may be requested by the City or Port to enable the City or Port to comply with any reporting requirements under applicable law with respect to possessory interest.

11. Insurance.

a. Licensee shall maintain throughout the term of this License, at Licensee's expense, insurance as follows:

(1) **Workers' Compensation Insurance,** including Employers' liability with limits not less than \$1,000,000 each accident;

(2) **Comprehensive or Commercial General Liability Insurance** with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including coverages for Contractual Liability, Personal Injury, Advertising Liability, Liquor Liability, Independent Contractors, Explosion, Collapse and Underground (XCU), Broadform Property Damage, Sudden and Accidental Pollution, Products Liability and Completed Operations;

(3) **Comprehensive or Business Automobile Liability Insurance** with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including coverages for owned, non-owned and hired automobiles, as applicable.

b. Should any of the required insurance be provided under a claims-made form, Licensee shall maintain such coverage continuously throughout the term of this License, and, without lapse, for one year beyond the License expiration, to the effect that, should occurrences during the License term give rise to claims made after expiration of the License, such claims shall be covered by such claims-made policies.

c. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such annual aggregate limit, such annual aggregate limit shall be not less than double the occurrence limits specified above.

d. Liability policies shall be endorsed to name as additional insureds the City and County of San Francisco, the San Francisco Port Commission, and their officers, directors, employees and agents.

e. All insurance policies shall be endorsed to provide thirty (30) days prior written notice of cancellation, non-renewal or reduction in coverage or limits to Port at the address for Notices specified in the Basic License Information.

f. All insurance policies shall be endorsed to provide that such insurance is primary to any other insurance available to the additional insureds with respect to claims covered under the policy and that insurance applies separately to each insured against whom claim is made or suit is brought, but the inclusion of more than one insured shall not operate to increase the insurer's limit of liability.

g. Before commencement of activities under this License, certificates of insurance, in form and with insurers acceptable to City, shall be furnished to City promptly upon request, along with complete copies of policies.

h. **Waiver of Subrogation Rights.** The parties release each other, and their respective authorized representatives, from any claims for damage to the License Area or to the fixtures, personal property, improvements or alterations of either Port or Licensee in or on the License Area which are caused by or result from risks insured against under any property insurance policies carried by the parties and in force at the time of any such damage, to the extent such claims for damage are paid by such policies. Each party shall cause each property insurance policy obtained by it to provide that the insurance company waives all right of recovery by way of subrogation against the other party in connection with any damage covered by any policy.

12. **Notices.** All notices, demands, consents or approvals which are or may be required to be given by either party to the other under this License shall be in writing and shall be deemed to have been fully given when delivered in person to such representatives of Port and Licensee as shall from time to time be designated by the parties for the receipt of notices, or when deposited in the United States mail, postage prepaid, and addressed, to Port or Licensee at the addresses designated in the Basic License Information, or such other address with respect to either party may from time to time designate by notice to the other given pursuant to the provisions of this Paragraph.

13. **Default by Licensee.**

a. **Event of Default.** The occurrence of any one or more of the following events shall constitute a default by Licensee:

(1) Failure by Licensee to pay when due any Fees and/or all other charges due hereunder; or

(2) Failure to perform any other provisions of this License, if the failure to perform is not cured within the Cure Period set forth in the Basic License Information after notice has been given by Port to Licensee. If the default cannot reasonably be cured within the Cure Period, Licensee shall not be in default of this License if Licensee commences to cure the default within the Cure Period, and diligently and in good faith continues to cure the default.

b. **Port's Remedies.** Upon default by Licensee, Port shall, without further notice or demand of any kind to Licensee or to any other person, and in addition to any other remedy Port may have at law or in equity, have the ability to terminate this License and Licensee's right to use the License Area.

14. **Indemnity and Exculpation.**

a. **Indemnity.** Licensee shall indemnify and hold Port, City, and their agents, officers, directors, contractors and employees (collectively, "Agents") harmless from, and, if requested, shall defend them against any and all claims, direct or vicarious liability, damage, injury or loss arising directly or indirectly out of: (a) any injury to or death of any person, including employees of Licensee, or damage to or destruction of any property occurring in, on or about the License Area, or any part thereof, from any cause whatsoever, (b) any default by Licensee in the observance or performance of any of the terms, covenants or conditions of this License, (c) the use, occupancy or condition of the License Area or the activities therein by Licensee, its agents, or clients, customers, invitees, guests, members, licensees, and assignees (collectively, "Invitees") or (d) any release or discharge, or threatened release or discharge, of any substance, waste or material which now or in the future is determined by any state, federal, or local governmental authority to be capable of posing a present or potential risk of injury to health, safety, the environment or property (collectively, "Hazardous Material") caused or allowed by Licensee in, under, on or about the License Area, or into the environment. This indemnity shall be enforceable regardless of the negligence of Port or City, and regardless of whether liability without fault is imposed or sought to be imposed on Port or City. This indemnity shall be enforceable except to the extent that such indemnity is void or otherwise unenforceable under applicable law in effect on, or validly retroactive to, the date of this

License. This indemnity includes all such loss, damage, injury, liability or claims as described above, loss predicated in whole or in part, upon active or passive negligence of Port, City or their Agents. This indemnity shall exclude claims, liability, damage or loss resulting solely and exclusively from the wilful misconduct of Port or City which is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on, Licensee, its agents or Invitees.

In addition to Licensee's obligation to indemnify Port and City, Licensee specifically acknowledges and agrees that it has an immediate and independent obligation to defend Port and City from any claim which actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false or fraudulent. Licensee's obligation to defend shall arise at the time such claim is tendered to Licensee by Port and/or City and shall continue at all times thereafter.

The foregoing indemnity obligation of Licensee shall include without limitation, indemnification from all loss and liability, including attorney's fees, court costs and all other litigation expenses. This indemnification by Licensee shall begin from the first notice that any claim or demand is or may be made. The provisions of this section shall survive the termination of this License with respect to any damage, destruction, injury or death occurring prior to such termination.

b. **Exculpation**. Licensee, as a material part of the consideration to be rendered to Port, hereby waives any and all claims against Port, City and their Agents, and agrees to hold Port, City and their Agents harmless from any claims for damages to goods, wares, goodwill, merchandise, equipment, business opportunities and persons in, upon or about said License Area for any cause arising at any time, including without limitation all claims arising from the joint or concurrent negligence of Port or City or their Agents, but excluding any intentionally harmful acts committed solely by Port or City.

15. Hazardous Materials

a. **Requirements for Handling**. Neither Licensee nor its Agents or Invitees, shall use, generate, process, produce, package, treat, store, emit, discharge or dispose (collectively, "Handle") in, on or about the License Area any Hazardous Materials without the prior written consent of Port, which consent shall not be unreasonably withheld so long as Licensee demonstrates to Port's reasonable satisfaction that such Hazardous Material is necessary to Licensee's business, will be Handled in a manner which strictly complies with all Laws and will not materially increase the risk of fire or other casualty to the License Area. Notwithstanding the foregoing, Licensee may Handle on the License Area janitorial or office supplies or materials in such limited amounts as are customarily used for general office and janitorial purposes so long as such Handling is at all times in full compliance with all Laws.

b. **Licensee Responsibility**. Subject to the restrictions set forth in Section 15.b above, Licensee shall Handle all Hazardous Materials discovered on the License Area during the Term of this License or introduced on the License Area by Licensee, its Agents or Invitees, in compliance with all Laws. Licensee shall not be responsible for the safe Handling of Hazardous Materials introduced on the License Area during the term of this License by City, Port or their Agents. Licensee shall protect its employees and the general public in accordance with all Laws. Port may from time to time request, and Licensee shall be obligated to provide, information reasonably adequate for Port to determine that any and all Hazardous Materials are being Handled in a manner which complies with all Laws. Port shall have the right to inspect the License Area for Hazardous Materials at reasonable times, pursuant to its rights of entry provided for hereunder.

c. **Requirement to Remove**. Prior to termination of this License, Licensee, at its sole cost and expense, shall remove any and all Hazardous Materials introduced in, on, under or about the License Area by Licensee, its Agents or Invitees. Further, Licensee, at its sole cost and expense, shall remove any Hazardous Material discovered on the License Area during the term of this License which is required to be removed by any governmental agency, including Port; provided however, that Licensee shall not be obligated to remove any Hazardous Material introduced onto the License Area during the term of this License by the City, Port or their Agents.

16. Port's Entry on License Area

a. **Entry for Inspection**. Port and its authorized Agents shall have the right to enter the License Area without notice at any time during normal business hours of generally recognized business days, provided that Licensee or Licensee's Agents are present on the License Area, for the purpose of inspecting the License Area to determine whether the License Area are in good condition and whether Licensee is complying with its obligations under this License, and to perform any necessary maintenance, repairs or restoration to the License Area, or to perform any services which Port has the right or obligation

to perform.

b. **Emergency Entry.** Port may enter the License Area at any time, without notice, in the event of an emergency. Port shall have the right to use any and all means which Port may deem proper in such an emergency in order to obtain entry to the License Area. Entry to the License Area by any of said means, or otherwise, shall not under any circumstances be construed or deemed to be a forcible or unlawful entry into, or a detainer of the License Area, or an eviction of Licensee from the License Area or any portion of them.

c. **No Liability.** Port shall not be liable in any manner, and Licensee hereby waives any claim for damages, for any inconvenience, disturbance, loss of business, nuisance, or other damage, including without limitation any abatement or reduction in License fees due hereunder, arising out of Port's entry onto the License Area as provided in this Section 16, except damage resulting solely from the active negligence or willful misconduct of Port or its authorized representatives.

d. **Non-Disturbance.** Port shall use its best efforts to conduct its activities on the License Area as allowed in this section, in a manner which, to the extent reasonably practicable, will cause the least possible inconvenience, annoyance or disturbance to Licensee.

17. Improvements and Alterations.

a. Licensee shall not make, nor suffer to be made, alterations or improvements to the License Area (including the installation of any trade fixtures affixed to the License Area or whose removal will cause injury to the License Area) without the prior written consent of Port. Without limiting the foregoing, Licensee shall not make, nor cause or suffer to be made, any alterations or improvements to the License Area until Licensee shall have procured and paid for all regulatory approvals required to be obtained for such alterations and improvements, including, but not limited to, any building or similar permits required by Port in the exercise of its jurisdiction with respect to the License Area.

b. **Improvements Part of Realty.** All alterations or improvements to the License Area made by or on behalf of Licensee which may not be removed without substantial injury to the License Area shall become part of the realty immediately upon completion, shall be owned by Port and shall, at the end of the term hereof, remain in the License Area without compensation to Licensee, unless Port first waives its right to the alterations or improvements in writing. Notwithstanding the foregoing, Port at its option, may require Licensee to remove any alterations and improvements at Licensee's sole expense regardless of whether title has or has not vested in Port, and regardless of whether consent was, or was not given. Licensee shall repair any damage occasioned by such removal at Licensee's sole cost and expense.

18. Suitability; Acceptance. Licensee acknowledges that Port has made no representations or warranties concerning the License Area, including without limitation, the seismological condition thereof. By taking possession of the License Area, Licensee shall be deemed to have inspected the License Area and accepted the License Area in an "As-Is" condition and as being suitable for the conduct of Licensee's activity thereon.

19. Surrender. Upon termination of this License, Licensee shall surrender to Port the License Area and all improvements thereon in good condition (except for ordinary wear and tear) except for improvements and alterations which Licensee has the right to remove or is obligated to remove under the provisions of this License. On or before the termination date hereof, Licensee shall remove all of its personal property and shall perform all restoration made necessary by the removal of any improvements, alterations or Licensee's personal property.

Port may elect to retain or dispose of any improvements or Licensee's personal property which Licensee does not remove from the License Area as allowed or required by this License by giving at least ten (10) days' prior written notice of such election to Licensee. Licensee waives all claims against Port for any damage to Licensee resulting from Port's retention or disposition of any improvements, alterations or Licensee's personal property. Licensee shall be liable to Port for all costs incurred by Port for storing, removing or disposing of any improvements, alterations or Licensee's personal property.

If Licensee fails to surrender the License Area as required by this section, Licensee shall hold Port harmless from all damages resulting from Licensee's failure to surrender the License Area, including, but not limited to, claims made by a succeeding licensee or Licensee resulting from Licensee's failure to surrender the License Area.

20. Attorney's Fees.

a. **Litigation Expenses.** If either party hereto brings an action or proceeding (including any cross-complaint or counterclaim) against the other party by reason of a default, or otherwise arising out of

this License, the prevailing party in such action or proceeding shall be entitled to recover from the other party its costs and expenses of suit, including but not limited to, reasonable attorneys' fees, which fees shall be payable whether or not such action is prosecuted to judgment. "Prevailing party" within the meaning of this section shall include, without limitation, a party who substantially obtains or defeats, as the case may be, the relief sought in the action, whether by compromise, settlement, judgment or the abandonment by the other party of its claim or defense.

b. **Appeals.** Attorneys' fees under this section shall include attorneys' fees and all other reasonable costs and expenses incurred in connection with any appeal.

c. **City Attorney.** For purposes of this License, reasonable fees of attorneys of the City's Office of the City Attorney shall be based on the fees regularly charged by private attorneys with an equivalent number of years of professional experience (calculated by reference to earliest year of admission to the Bar of any State) who practice in San Francisco in law firms with approximately the same number of attorneys as employed by the Office of the City Attorney.

21. **Mineral Reservation.** The State of California, pursuant to Section 2 of Chapter 1333 of the Statutes of 1968, as amended, has reserved all subsurface mineral deposits, including oil and gas deposits, on or underlying the License Area. In accordance with the provisions of said Statutes, Port and Licensee shall and hereby do grant to the State of California the right to explore, drill for and extract said subsurface minerals, including oil and gas deposits, from the Mineral Reservation area located by the California Grid System as more particularly described in the Basic License Information.

22. **Time is of the Essence.** Time is of the essence as to each and every provision of this License.

23. **City Requirements.**

(a) **Non-Discrimination.**

Non Discrimination in City Contracts and Benefits Ordinance.

(a) **Covenant Not to Discriminate.** In the performance of this License, Licensee covenants and agrees not to discriminate on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status) against any employee of, any City employee working with, or applicant for employment with Licensee, in any of Licensee's operations within the United States or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations operated by Licensee.

(b) **SubLicenses and Other Subcontracts.** Licensee shall include in all SubLicenses and other subcontracts relating to the Premises a non-discrimination clause applicable to such SubLicensee or other subcontractor in substantially the form of subsection (a) above. In addition, Licensee shall incorporate by reference in all SubLicenses and other subcontracts the provisions of Sections 12B.2(a), 12B.2(c-k) and 12C.3 of the San Francisco Administrative Code and shall require all SubLicensees and other subcontractors to comply with such provisions. Licensee's failure to comply with the obligations in this subsection shall constitute a material breach of this License.

(c) **Non-Discrimination in Benefits.** Licensee does not as of the date of this License and will not during the Term, in any of its operations within the United States, discriminate in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees, where the domestic partnership has been registered with a governmental entity pursuant to state or local law authorizing such registration, subject to the conditions set forth in Section 12.2(b) of the San Francisco Administrative Code.

(d) **Condition to License.** As a condition to the effectiveness of this License, Licensee shall execute and deliver to Port the "Nondiscrimination in contracts and Benefits" form approved by the San Francisco Human Rights Commission.

(e) **Incorporation of Administrative Code Provisions by Reference.** The provisions of Chapters 12B and 12C of the San Francisco Administrative Code relating to non-discrimination by parties contracting for the License of City property are incorporated in this Section by reference and made a part of this Agreement as though fully set forth herein. Licensee shall comply fully with and be bound by all of the provisions that apply to this License under such Chapters of the Administrative Code, including but not limited to the remedies provided in such Chapters. Without limiting the foregoing, Licensee understands that pursuant to Section 12B.2(h) of the San Francisco Administrative Code, a penalty of \$50 for each person for each calendar day during which such person was discriminated against in violation of the provisions of this License may be assessed against Licensee and/or deducted from any payments due

Licensee.

b. **MacBride Principles-Northern Ireland.** City urges companies doing business in Northern Ireland to move towards resolving employment inequities and encourages such companies to abide by the MacBride Principles. City urges San Francisco companies to do business with corporations that abide by the MacBride Principles.

c. **Tropical Hardwood Ban.** City urges Licensee not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood or virgin redwood product.

d. **Tobacco Products Advertising Ban.** Licensee acknowledges and agrees that no advertising of cigarettes or tobacco products is allowed on any real property owned by or under the control of the City, including the License Area. This prohibition includes the placement of the name of a company producing, selling or distributing cigarettes or tobacco products or the name of any cigarette or tobacco product in any promotion of any event or product. This prohibition does not apply to any advertisement sponsored by a state, local or nonprofit entity designed to communicate the health hazards of cigarettes and tobacco products or to encourage people not to smoke or to stop smoking.

e. **Pesticide Prohibition.** Licensee shall comply with the provisions of Section 39.9 of Chapter 39 of the San Francisco Administrative Code (the "Pesticide Ordinance") which (i) prohibit the use of certain pesticides on City property, (ii) require the posting of certain notices and the maintenance of certain records regarding pesticide usage and (iii) require Licensee to submit to Landlord an integrated pest management ("IPM") plan that (A) lists, to the extent reasonably possible, the types and estimated quantities of pesticides that Licensee may need to apply to the Premises during the Term of this License, (B) describes the steps Licensee will take to meet the City's IPM Policy described in section 39.1 of the Pesticide Ordinance and (C) identifies, by name, title, address and telephone number, an individual to act as the Licensee's primary IPM contact person with the City. In addition, Licensee shall comply with the requirements of Sections 39.4(a) and 39.4(b) of the Pesticide Ordinance as of January 1, 1999 and January 1, 2000, respectively.

Through Landlord, Licensee may seek a determination from the City's Commission on the Environment that Licensee is exempt from complying with certain portions of the Pesticide Ordinance with respect to this License, as provided in Section 39.8 of the Pesticide Ordinance. Landlord shall reasonably cooperate with Licensee if Licensee seeks in good faith an exemption under the Pesticide Ordinance, provided that Landlord shall have no obligation to make expenditures or incur expenses other than administrative expenses

24. Miscellaneous Provisions.

a. **California Law.** This License shall be construed and interpreted in accordance with the Laws of the State of California and City's Charter.

b. **Entire Agreement.** This License contains all of the representations and the entire agreement between the parties with respect to the subject matter of this agreement. Any prior correspondence, memoranda, agreements, warranties, or written or oral representations relating to such subject matter are superseded in total by this License. No prior drafts of this License or changes from those drafts to the executed version of this License shall be introduced as evidence in any litigation or other dispute resolution proceeding by any party or other person, and no court or other body should consider those drafts in interpreting this License.

c. **Amendments.** No amendment of this License or any part thereof shall be valid unless it is in writing and signed by all of the parties hereto.

d. **Severability.** Except as is otherwise specifically provided for in this License, invalidation of any provision of this License, or of its application to any person, by judgment or court order, shall not affect any other provision of this License or its application to any other person or circumstance, and the remaining portions of this License shall continue in full force and effect, unless enforcement of this License as invalidated would be unreasonable or grossly inequitable under all of the circumstances or would frustrate the purposes of this License.

e. **No Party Drafter; Captions.** The provisions of this License shall be construed as a whole according to their common meaning and not strictly for or against any party in order to achieve the objectives and purposes of the parties. Any caption preceding the text of any section, paragraph or subsection or in the table of contents is included only for convenience of reference and shall be disregarded in the construction and interpretation of this License.

f. **Singular, Plural, Gender.** Whenever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neuter genders, and vice versa.

g. **Successors.** The terms, covenants, agreements and conditions set forth in this License shall bind and inure to the benefit of Port and Licensee and, except as otherwise provided herein, their personal representatives and successors and assigns.

h. **Counterparts.** For convenience, the signatures of the parties to this License may be executed and acknowledged on separate pages which, when attached to this License, shall constitute this as one complete License. This License may be executed in any number of counterparts each of which shall be deemed to be an original and all of which shall constitute one and the same License.

i. **Waiver.** No failure by Port to insist upon the strict performance of any obligation of Licensee under this License or to exercise any right, power or remedy arising out of a breach thereof, irrespective of the length of time for which such failure continues, and no acceptance of full or partial License fees during the continuance of any such breach shall constitute a waiver of such breach or of Port's rights to demand strict compliance with such term, covenant or condition. Port's consent to or approval of any act by Licensee requiring Port's consent or approval shall not be deemed to waive or render unnecessary Port's consent to or approval of any subsequent act by Licensee. Any waiver by Port of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this License.

j. **Authority.** Each of the persons signing this License on behalf of the Licensee does hereby covenant and warrant that Licensee has full right and authority to enter into this License, and that each and all of the persons signing on behalf of the Licensee are authorized to do so.

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IN WITNESS WHEREOF, PORT and Licensee execute this License at San Francisco, California, as of the last date set forth below

LICENSEE

By _____

By _____

Its _____

Its _____

Date: _____

Date: _____

PORT

CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, operating by and through the
SAN FRANCISCO PORT COMMISSION

By _____

Theresa M. Picon
Director, Real Estate Division

Date: _____

APPROVED AS TO FORM:

Louise H. Renne, City Attorney

By _____

Date: _____

License Prepared by: _____, _____ (initial)

HEALTH DEPARTMENT

Report of the
1999-2000 San Francisco Civil Grand Jury

HEALTH DEPARTMENT

SUMMARY

Members of the Civil Grand Jury (CGJ) investigated various problems at San Francisco General Hospital (SFGH), including the following: long waiting periods of up to five hours for prescriptions and clinic appointments, inadequate staffing in the urgent care clinic, a high incidence of diverting emergency room patients to other medical facilities, excessive overtime costs resulting from unfilled positions, and delayed responses – sometimes no response – to telephone calls from people seeking appointments or information.

The CGJ concluded that SFGH should not close or privatize the pharmacy and that the clinic should be fully staffed and properly maintained. The CGJ further concluded that, for SFGH to continue providing essential services to the people of San Francisco, the hospital budget should be separated from the Department of Public Health (DPH) budget and that there should be increased citizen participation in long-range planning. The conclusions and recommendations in this report are based on information and events as of June 30, 2000.

BACKGROUND

DPH runs two large public hospitals, SFGH and Laguna Honda, and a network of neighborhood health centers and clinics. DPH traditionally has provided services to the mentally disabled, seniors, and children, low-income families and people on welfare. In spite of general improvements in the economy, new classes of the working poor have emerged who are faced with escalating housing and health care costs.

Beginning in the late 1960s several emerging populations with special needs have come increasingly to use and rely on the health care services provided by SFGH: the arrival of new immigrants from all over the world, the impetus of the flower children era when drug use became commonplace, the AIDS epidemic and the gay community's emergence as a social and political force, the emphasis on women's health and social issues, San Francisco's becoming a Sanctuary City for refugees from Central America, and significant numbers of the homeless and the uninsured having to depend upon SFGH for their total health needs.

San Francisco, a city of diversity, has special needs that have been met traditionally by a caring public health institution, SFGH. SFGH, ranked the second best medical care facility among all hospitals in the city in 1998, has responded to these needs by providing care to a significant number of homeless people who have drug and alcohol problems and are mentally ill. SFGH has developed the nation's foremost AIDS program and has received national acclaim for its Trauma Center and psychiatric care units. SFGH has created and continues to maintain a network of neighborhood health centers and clinics.

HEALTH DEPARTMENT

The current budget of the San Francisco Health Care System is \$928 million. One half, or \$467 million, goes to SFGH. During the past six years, the county's health system has faced mounting fiscal shortfalls that require a growing portion of the General Fund budget. As a result of funding cuts by the state and federal governments, combined with increased costs of caring for the indigent and uninsured and other inflationary factors unique to health care, DPH administrators are projecting a budget shortfall this fiscal year of at least \$20 million. San Francisco's fiscal crisis isn't unique; health departments throughout the state and country are having similar budget shortfalls as a result of substantial decreases in state and federal funding. This year San Francisco is losing more than \$23 million in federal and state funding. Public officials have responded to the shortfalls with various measures and proposals. Although \$230 million was allocated from the General Fund monies to the DPH budget, a hiring freeze was imposed during the 1999-2000 fiscal year, leaving many positions vacant and forcing health care staff to work overtime. In a press release from the Office of the Mayor dated May 31, 2000, the budget presented for 2000-01 "calls for \$20 million in new General Fund dollars to replace lost federal and state revenues at SFGH (during the Brown administration, general fund support to the Department of Public Health has increased 133 percent)...."

According to media reports, Dr. Mitchell Katz and the DPH administration have proposed the following cuts in services:

- Closing the Potrero Hill Health Center;
- Cutting 21 beds from psychiatric care and moving the displaced patients to a Mission District hotel converted to a halfway house;
- Closing or privatizing the outpatient pharmacy at SFGH;
- Focusing less on acute care and more on preventive care.

Community activists, patient advocate groups, members of the Board of Supervisors, doctors, nurses and other health care employees at SFGH, and health care professionals throughout the city have opposed the proposed cuts. Community activists mounted sufficient opposition to force DPH administration to abandon its plan to merge the Potrero Hill Health Center with the clinics at SFGH.

Doctors, nurses, and other staff at SFGH who oppose eliminating 21 beds in the psychiatric unit and involuntarily reassigning staff to other hospitals argue that the cutbacks and transfers will undermine the quality of care for the mentally ill. Apparently in agreement, the Board of Supervisors delayed this action in May 2000. DPH administration has indicated that the transfers will not take place if a controller's audit shows that the reassignments would effect no savings. DPH claims the patients to be transferred do not require the acute care beds they now occupy but at present there is no alternative site for their care.

HEALTH DEPARTMENT

Individuals and groups that oppose closing or privatizing the pharmacy at SFGH argue that the low-income, disabled and medically indigent people would not receive the same level of service from private sector pharmacies that SFGH has provided and that those pharmacies would not be able or inclined to provide to the homeless the assistance they need in obtaining their prescriptions; consequently, without medication many of those patients would have to be treated in the emergency room, which would be much more expensive. In April 2000, a community coalition initiated a lawsuit in San Francisco Superior Court to keep the pharmacy open and to hire sufficient staff to cut the waiting time for filling prescriptions to a half-hour. That lawsuit is pending.

In San Francisco, one of the few remaining counties with a general hospital, private hospitals provide a proportionally smaller share of care for poor and uninsured patients than those in other California counties. During 1998, San Francisco's private hospitals provided only six percent of the county's entire indigent and charity care, while SFGH delivered the remainder.

Data from DPH indicate that the number of uninsured patients treated at SFGH has increased sharply during the past six years. The number of uninsured patients utilizing acute-care services at SFGH has grown by 35 percent from 4,284 patients in Fiscal Year (FY) 1993-94 to 5,783 patients in FY 1998-99. The uninsured patients have grown not only in absolute numbers, but also as a percentage of SFGH's total acute-care patient population: from 29 percent of SFGH's acute-care patient population in FY 1993-94 to 40 percent in FY 1998-99.

METHODOLOGY

The CGJ decided to investigate various problems at SFGH, including:

1. Reported waiting periods of up to five hours to have prescriptions filled;
2. Long waits for clinic appointments;
3. Inadequate staffing in the urgent care clinic;
4. A high incidence of diversion of emergency room patients to other medical facilities;
5. Unfilled positions contributing to excessive overtime costs and delayed responses – sometimes no response – to telephone calls from patients.

One of the main concerns of the CGJ was that older and infirm patients, people in pain and with chronic illnesses, as well as other patients, have had to wait for

HEALTH DEPARTMENT

periods of up to five hours for their prescriptions. In several visits to SFGH, members of the CGJ met with administrators, doctors, nurses, other staff and community groups, and also visited hospitals, including Kaiser Permanente, and neighborhood pharmacies throughout the city to form some basis for comparison.

The CGJ has also been concerned about the closing of emergency rooms during the past decade at the following hospitals: French, Mount Zion, Children's and Letterman. With the deactivation of the Presidio Army Base, there is no longer an opportunity to have the military assist in moving patients to other Bay Area hospitals. In the event of a major earthquake, another natural disaster or a large-scale emergency, the general lack of emergency care in the city would be compounded.

CONCLUSIONS

The CGJ focused its review on the SFGH pharmacy issue because of an ongoing problem of patients waiting three to five hours or days for a prescription. This problem has lasted 10 years. From our interviews with pharmacists and other health care professionals at hospitals and neighborhood pharmacies, we learned that, given the ratio of pharmacists and support staff to the number of prescriptions filled, the workload does not warrant waiting for up to five hours for prescriptions. The time taken to fill prescriptions at other hospitals and neighborhood pharmacies throughout the city generally takes 10 to 30 minutes. Kaiser Permanente has been able to lower costs by ordering drugs in large quantities enabling prescriptions to be packaged in quantities of 30, 50, or 100. At their new facility in San Francisco, Kaiser has established smaller pharmacies on every floor, and reports that has increased efficiency.

CGJ members share the concerns expressed by neighborhood pharmacists, community activists and other health care workers that closing or privatizing the pharmacy would result in further deterioration in service.

The long waiting time for clinic appointments is unacceptable but is not a "high priority" item for DPH. According to DPH administration, there are more critical needs for budget dollars. The department's hiring freeze has led to insufficient staff in the urgent care clinic, excessive overtime costs and increased diversion of people requiring emergency room treatment to other hospitals. The lack of staff has also delayed responses to telephone calls from people seeking information or appointments. Instead of determining how DPH can provide essential services, DPH administration appears to be more concerned with making cuts.

HEALTH DEPARTMENT

RECOMMENDATIONS

In view of our conclusions, the CGJ recommends the following:

1. Instead of closing or privatizing the pharmacy, SFGH should open a second pharmacy. SFGH should also replicate, wherever feasible, Kaiser Permanente's efficiency measures in dispensing prescriptions. The goal is to minimize the excessively long waiting time for prescriptions.

Required Response

Department of Public Health
Health Commission

2. DPH should approach major software producers for their expertise and assistance in upgrading its computer system since a highly efficient and sophisticated computer system, like Kaiser's and that of many neighborhood pharmacies, would make dispensing medication more efficient.

Required Response

Department of Public Health
Health Commission

3. Fill the staffing vacancies in the clinics to cut the long delays in getting an appointment. A reasonable goal would be to set an appointment within seven to fifteen days after a patient makes a request by telephone or consults a doctor.

Required Response

Department of Public Health
Health Commission

4. Ensure that neighborhood health centers function at full staffing levels since they provide critical preventive care and language assistance in the neighborhoods that they serve.

Required Response

Department of Public Health
Health Commission

HEALTH DEPARTMENT

5. Provide urgent clinical care and extend the hours to eliminate or minimize the need for patients requiring non-acute care to seek treatment in the emergency room. Doing so would provide some relief to overextended emergency room staff and would decrease the need to divert patients who need critical and immediate emergency care to other hospitals.

Required Response

Department of Public Health
Health Commission

6. Continue providing the current level of in-house psychiatric care to the mentally ill since the strong family involvement program, the specialized and culturally sensitive care to a diverse population, and the multilingual capabilities to help the limited-English speaking and monolingual patients have all contributed significantly to the quality of the care.

Required Response

Department of Public Health
Health Commission

7. Develop a comprehensive citywide plan to ensure that the residents of San Francisco have access to essential emergency room services during normal circumstances and during crises arising from earthquakes, other natural disasters, terrorist attacks, or any other emergency, and present that comprehensive plan to the Health Commission.

Required Response

Board of Supervisors
Department of Public Health
Health Commission
Office of Emergency Services

8. Take the necessary procedural steps to separate administratively and actually the budget of SFGH and clinics from the budget of DPH to ensure that funding to provide essential medical care is not diverted to other well-intentioned programs and services that address broader societal concerns but are peripheral to the health care that SFGH has provided in the past and should continue to provide to the people of San Francisco.

HEALTH DEPARTMENT

Required Response

Mayor
Board of Supervisors
Department of Public Health
Health Commission

9. Based on the perception of the CGJ that there is a critical lack of long-range planning in DPH; DPH should comply with the City Charter requirement that all departments have a functional three-year plan, thus enabling DPH to make realistic budget projections rather than reacting precipitously to recurring deficits. DPH should formulate this plan after there is sufficient input, via public forums, from all affected parties.

Required Response

Board of Supervisors
Department of Public Health
Health Commission

JUVENILE JUSTICE
COMMUNITY ASSESSMENT AND REFERRAL CENTER

Report of the
1999-2000 San Francisco Civil Grand Jury

JUVENILE JUSTICE COMMUNITY ASSESSMENT AND REFERRAL CENTER

SUMMARY

The Civil Grand Jury (CGJ) studied the San Francisco Juvenile Justice Comprehensive Action Plan (the Action Plan) and specifically one of its six interventions, the Community Assessment and Referral Center (CARC). CARC acts as an alternative to incarceration at Juvenile Hall for youths 12 to 17 years of age arrested for a variety of criminal offenses. CARC is a referral center that provides a single point of entry for crisis intervention, assessment, service integration, referral and mentoring. This is a three-year test program and a first in the country.

Making CARC operational was a difficult and slow process, especially because it involved a variety of agencies and a departure from the norm. However, CARC is now operational and obtaining good results. The CGJ found that CARC, as part of the Action Plan, is an excellent program.

The CGJ has the following concerns:

- There is no method by which to easily update or amend the Action Plan or otherwise reach consensus in a public forum regarding significant issues such as a diversion plan to serve "high-risk" youth;
- Despite a drop in juvenile crime since 1988, there has been no decrease in the census at Juvenile Hall;
- That agreement be reached defining the type of juvenile crime to be referred to CARC instead of to the Youth Guidance Center (YGC);
- That there be a proper forum in which to present the formal evaluation of CARC done by the National Commission of Crime (NCCD) which is due in June of 2000. A proper forum would ensure enlightened dialogue and input from the public.

BACKGROUND

CARC is one of six new programs that comprise San Francisco's Action Plan. The Action Plan was developed in 1997 at the request of the Mayor and under the auspices of both the Mayor's Criminal Justice Council and the California Board of Corrections (CBC). The goal of the Action Plan was not only to reduce delinquency and recidivism, but also to offer an opportunity to the offending youths to develop character. The six programs include:

1. CARC
2. The Life Learning Academy on Treasure Island;
3. The Bayview Safe Haven;
4. The Early Risk and Resiliency Program located in the Mission;
5. Mission Safe Corridor; and
6. The Life Learning Residential Center for Girls on Treasure Island.

JUVENILE JUSTICE COMMUNITY ASSESSMENT AND REFERRAL CENTER

These six programs were designed to fill the most critical gaps in San Francisco's juvenile justice system, providing intensive services for youths at risk as well as youths already involved in the juvenile justice system. The San Francisco Board of Supervisors enacted legislation establishing a Coordinating Council for the Action Plan. The goal of the Coordinating Council was to develop a national model to reduce juvenile crime, and develop healthy youths, families, and communities. Those Coordinating Council members who signed this letter of commitment to the Action Plan are listed on Attachment 1.

The Action Plan also included the Juvenile Justice Comprehensive Circle Implementation Chart (Attachment 2). Funding came from a variety of sources, including the CBC, the City and County of San Francisco, and the Office of Juvenile Justice and Delinquency Prevention.

CARC opened on a very limited basis on May 4, 1998, and did not go city-wide until the end of 1999.

In June 1999, four graduate students at the Goldman School of Public Policy, University of California at Berkeley, released a study titled, "Juvenile Justice Reform in San Francisco: An Examination of the Community Assessment and Referral Center" (hereafter referred to as the U.C. Study). The U.C. Study concluded, "...the severe underutilization of CARC has resulted from a lack of leadership and interagency collaboration." The U.C. Study became the foundation for news media articles such as, "*Study Blasts S.F. Juvenile Program Center for offenders said to help too few*" (San Francisco Chronicle, June 29, 1999). Because of this report, and the media attention that ensued, the CGJ decided to investigate CARC.

METHODOLOGY

The investigation of the CGJ included interviews with the following:

- CARC staff members;
- Probation Department staff and a member of the Probation Commission;
- San Francisco Police Officers;
- A Graduate student who participated in the U.C. Study at the Goldman School of Public Policy;
- A staff member of Coleman Advocates for Children and Youth;
- A member of the Mayor's Criminal Justice Council;
- A staff member of the Center on Juvenile Criminal Justice;
- A member of the San Francisco Board of Supervisors;
- A member of the staff of Delancy Street Foundation.

JUVENILE JUSTICE COMMUNITY ASSESSMENT AND REFERRAL CENTER

To understand the purpose and the agencies responsible for CARC, we reviewed the San Francisco Comprehensive Juvenile Justice Action Plan, Volumes I and II. To identify the number and type of crimes for which juveniles are arrested, we researched the Juvenile Probation Department's 1997 and 1998 Combined Annual Reports and their December 1999 Monthly Report. Since CARC opened in 1998 and, therefore, did not influence any data included in these reports, we also reviewed CARC's progress through interviews and CARC's Program Narrative Progress Reports to the CBC:

- Progress Report #1, 7/1/97 to 12/31/97;
- Progress Report #2, 1/1/98 to 6/30/98;
- Progress Report #3, 7/1/98 to 12/31/98;
- Progress Report #4, 1/1/99 to 6/30/99.

CARC's annual budgets were also reviewed, as well as correspondence with various City agencies and youth advocates.

RESULTS OF INVESTIGATION

Community Assessment and Referral Center

Members of the CGJ visited CARC on August 26, 1999. CARC is located in the Tenderloin YMCA at 220 Golden Gate Ave. The YMCA provided the location, valued at between \$15,000 and \$20,000. The facility includes a waiting room space for an examination by a psychiatric technician, booking area, family meeting rooms, private rooms for individual assessment interviews, rooms for individual counseling, and rooms for youths in need of emergency shelter in the event family cannot be reached.

The initial establishment of CARC proved to be a very difficult task, especially since it involved a wide variety of government agencies needing to implement new ideas and new partnerships. CARC Progress Report #1 (Attachment 3) describes the research done to determine the anticipated client load. The report observes that, before CARC was ready to process youths, extensive site renovation plans for the facility space; permit process, architectural services, and the development of a computer system were needed.

During this time several City agencies also donated resources to CARC, such as a fingerprint and photo machine from the Police Department, a metal detector from the U.S. Marshal's Office, and a terminal for data transfer from the Probation Department. CARC staff positions needed to be filled and training scheduled.

CARC opened on its doors on limited basis on May 4, 1998, five days a week, ten hours per day (Monday through Friday, Noon to 10 PM).

JUVENILE JUSTICE COMMUNITY ASSESSMENT AND REFERRAL CENTER

On April 1, 1999, CARC expanded its hours of operation to six days per week, sixteen hours per day, (Monday through Saturday, 10:00 AM to 2:00 AM), which are also its current hours of operation. The Action Plan originally called for CARC to be open 7 days a week, 24 hours per day. We were advised that the hours were changed in order to reach the greatest number of eligible youths in the most efficient manner. It was the opinion of the staff and various City agencies that keeping CARC open for the extended days and hours would result in an underutilization of CARC and its resources.

After CARC opened, time was needed to train police officers in the various precincts. The Police Department loaned a police officer to CARC for purposes of liaison with the Police Department and for training of police officers. Training included the CARC location, CARC procedures, the exceptions to the arrested juveniles taken to CARC because of the type of crime with which the juveniles were charged (Attachment 3), and those Police Department policies and procedures that also applied to CARC. Originally, CARC was to serve arrested juveniles from only five precincts. However, since the Action Plan was amended to include the entire city, time was needed to train approximately 1100 police officers. Training was finished by December of 1999.

The Probation Department also needed time to hire and train personnel to staff CARC. Prior to June 28, 1999, the Probation Department was involved in a labor dispute with the Probation Officers Union. The dispute prevented the Department from hiring new probation officers. Since the settlement of the dispute, 20 new probation officers have been hired; presently, four officers are assigned to CARC, and five other officers are assigned to the other five programs that round out the Action Plan.

Currently on each shift at CARC, there is a deputy sheriff who is responsible for security, a licensed psychiatric technician who does a screening for drugs and severe emotional problems, a probation officer to whom the arresting police officer releases the juvenile delinquent, and case managers (social service workers). The juvenile meets initially with the deputy sheriff. The deputy sheriff's duties were described as including not only security but also the opportunity to talk to and attempt to calm the juvenile since many of them are first offenders. The juvenile is then taken to the psychiatric technician who does the screening for drugs. The psychiatric technician at that time was seeing approximately 35 to 48 juveniles per month (this number has since been growing steadily). After the health and psychological examination, the staff meet with the juvenile's family. If the juvenile and the parents agree to a plan, a mentor is then assigned and the juvenile is then released to a probation officer.

The CGJ then interviewed members of the staff, including personnel from the Detention Diversion Advocacy Program (DDAP) and Delancy Street, who spoke

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enthusiastically of the successful results of their experience of one-on-one with juveniles.

At CARC there is a collaboration of many city agencies including schools, probation and police officers, sheriffs, deputy district attorneys and public health services. Members of community-based organizations such as Delancy Street Foundation, Huckleberry Youth Programs and DDAP work with CARC in developing plans. Members of the staff and collaborators with whom members of the CGJ met were extremely enthusiastic and optimistic as to the future of CARC.

Population of Youths Served

Originally, the program was to serve eligible youths from areas of the highest juvenile crime, the Mission, Tenderloin, Bayview-Hunter's Point, Ingleside, Southern and Chinatown neighborhoods. However, in an effort to serve more youth, CARC has been open citywide since December of 1999.

Also, CARC originally was to be a referral center for all juvenile crime. However, under the contract with Delancy Street, exceptions to the youths taken to CARC were made (see Attachment 4). Out-of-county youth, youths arrested for serious felonies, and youths who presented a danger to themselves or to others are not taken to CARC, but instead are taken directly to the YGC. This reduced the number of youths who were eligible for CARC's services. We were advised that the CBC had requested that the services of CARC be limited to the "low-risk" youths rather than to include "high-risk" youths for purposes of the pilot study. The CGJ was also advised that (a) DDAP is working with CARC, and (b) many of the "low-risk" youths who are referred to CARC have histories of "high-risk" crime and drug problems. As of January 27, 2000, of the 550 juveniles processed at CARC:

- 300 cases had been closed;
- 80 percent of the cases can be labeled a success;
- 50 percent of the cases involved a minor in his/her first offense;
- 17 percent can be defined as minor offenses;
- 40 percent of the cases were youths involved in gangs.

It was also stressed that there is a great need for CARC to focus on giving juveniles increased mental health resources.

The number of youths served at CARC has been increasing. The CGJ was advised by CARC that as of March 22, 2000, CARC had served 652 youths and that 392 of those cases had been closed. Of those 392 cases, 77 percent were closed successfully, 14 percent were unsuccessful in that the youths had

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identified needs but did not participate in the case plan developed and 9 percent were closed due to "no fault" of the youths.

Regarding the CBC request that the services of CARC be limited to the "low-risk" youth, several advocates voiced a concern that, while CARC was performing well, the overall program was not targeting "high-risk" youths (see Attachment 4). It was felt that, in order for the Action Plan to succeed, more diversion should be offered to the "high-risk" youths, including serious and violent offenders, and that there be a delineation of duties of the probation officers and case workers.

There also was general concern of all those interviewed that the number of youths detained at the YGC has not been reduced. Despite a reduction in the juvenile crime rate (see table below), and the many proactive programs, which have been started by YGC, the YGC population has remained consistently high. Everyone interviewed by the CGJ expressed concern about this fact. The Probation Department stated that they are concerned about the daily population not decreasing and are studying population management. They have hired a new person to study why the population has not decreased. The Department is also holding daily meetings and is reviewing the best practices of other cities. The Implementation Team (see Attachment 1) has also hired an outside investigator to study the population management at the YGC.

YEAR	YGC DAILY POPULATION	JUVENILE LAW VIOLATIONS*
1993	115	5888
1994	127	5679
1995	112	5341
1996	129	6038
1997	122	5521
1998	119	5222
1999	119	4872

* Juvenile Probation Department 1997 and 1998 Combined Annual Reports.

Regarding the goal of reducing daily populations, a member of the Board of Supervisors advised the CGJ that DDAP had worked with the member of the Board of Supervisors and the Mayor in order to reduce the census at the YGC in 1996. The Supervisor expressed the wish that DDAP could work with the Probation Department. Requests for funding for DDAP have been made by this Supervisor and a judge of the Superior Court who handles juvenile cases (Attachments 5 and 6) as well as the District Attorney's office.

The CGJ was apprised that there appears to be a lack of consensus among the advocates and the participants in the Action Plan as to the respective roles of CARC and the YGC, a plan to serve "high-risk" youth, the role of probation officers and case workers, and reduction in YGC census. This lack of a consensus may well be due to the fact that there is no method by which to easily

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update or amend the Action Plan or otherwise reach consensus in a public forum. For instance, there are no regularly scheduled meetings of the Action Plan signatories, nor are any planned. Currently, the Executive Director for the Action Plan must individually discuss proposed changes with each signatory. This method may work well for some policy decisions, but based on our review does not appear to be a satisfactory method by which to resolve more significant issues.

CONCLUSIONS AND RECOMMENDATIONS

The CARC pilot project ends in June 2000. It is unfortunate that an evaluation of CARC by the NCCD will not be finished by the time this CGJ report is due. Our conclusions and recommendations will be made with the assumption that the evaluation will be positive and that CARC will continue as an integral part of the Action Plan. All those interviewed were of the opinion that the San Francisco Comprehensive Juvenile Local Action Plan was excellent. There was also agreement by the vast majority of those interviewed that CARC is doing a good job.

Our interviews and review of reports and correspondence lead to the following conclusions and recommendations:

1. ***CARC is presently not underutilized, but rather a pilot project that is improving with time. CARC should be continued following completion of the pilot project.***

One of the earlier criticisms of CARC was that it was greatly underutilized. This may have been true during the time period when the U.C. Study was undertaken, but since then this finding has changed significantly. As noted in the Results above, CARC was establishing the various components of its trial program during the time that research for the U.C. Study was performed. As such, CARC could not be expected to demonstrate the level of utilization expected by those performing the U.C. Study. Based on our review of this pilot project, we find that CARC is beginning to show its value. The number of juveniles served has increased, and more City districts are being served. Further, the Probation Department also does not feel that CARC is underutilized because it is set up as a pilot project, which will be properly evaluated by the NCCD, sometime in June 2000.

RECOMMENDATION

CARC should be continued after the pilot program period. A meeting should be set as soon as possible after the NCCD evaluation. This meeting should give all interested parties an opportunity to be heard on

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issues that will be addressed in the NCCD evaluation and raised in this CGJ investigation.

Required Response

Mayor
Board of Supervisors
Criminal Justice Council
Juvenile Justice Commission
Delinquency Prevention Commission

2. ***Despite a drop in juvenile crime in San Francisco since 1988, the census at Juvenile Hall has remained consistently high. One of CARC's goals is to decrease the number of juveniles detained at the YGC.***

RECOMMENDATION

In light of the fact that despite the drop in juvenile crime and the success of CARC there continues to be a high number of juveniles detained at YGC, we would recommend that the Board of Supervisors obtain copies of the population management investigation of both the Implementation Team and the Probation Department and schedule a hearing as to why there has not been a decrease in the number of juveniles detained at YGC.

Required Response

Board of Supervisors
Delinquency Prevention Commission

3. ***There are exceptions as to which juvenile offenders are referred to CARC (see Attachment 4). The Implementation Team should identify resources needed to service "high-risk" youths and those with mental health needs.***

RECOMMENDATION

If CARC is continued after the NCCD evaluation, the issue of the type of cases that should be referred to CARC should be made clear. While the decision of the exception of juveniles from who are referred to CARC may be that of the CBC, it is recommended that leadership be taken either by the Implementation Team or the Coordinating Council of the Mayor's Criminal Justice Council in order to provide the CBC with information so that a well-informed decision can be made.

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Required Response

Mayor
Juvenile Probation Department
San Francisco Police Department
Criminal Justice Council
Juvenile Justice Commission
District Attorney
Public Defender
Department of Public Health

4. ***A proper public forum is needed to present the NCCD evaluation and ensure enlightened dialogue with and input from the public.***

RECOMMENDATION

A meeting should be set as soon as possible after the NCCD evaluation before either the Implementation Team or the Mayor's Criminal Justice Council. Consideration should be given to soliciting help from the signatories of the Action Plan as well as San Francisco State University and Golden Gate University (Attachments 7 and 8). This meeting should give all interested parties an opportunity to be heard on issues that will be addressed in the NCCD evaluation and raised in this CGJ investigation namely: usage of CARC; the stable population at Juvenile Hall over the years; exceptions to juvenile offenders who are referred to CARC; programs that target "high-risk" youth; removing any impediments to success; mediating differences and misunderstandings thereby ensuring coordination among agencies; optimizing the allocation of funds among the various service providers; implementing effective leadership to ensure accountability, coordination and communication; requiring accountability of all participants by demanding detailed reports that measures performance; and lastly, getting consensus from all the participants as to the future of CARC.

Required Response

Mayor
Board of Supervisors
Criminal Justice Council
Juvenile Justice Commission

5. ***There is no easy method to update or amend the Action Plan or otherwise reach consensus. For instance, there are no regularly***

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scheduled meetings of the Action Plan signatories, nor are any planned. There should be a formalized method by which significant issues can be referred to all participants in the Implementation Team, which was established by the Mayor as an objective body to implement the Action Plan and which is in the best position to try to reach resolution in a manner which is of greatest benefit to the juvenile offenders.

RECOMMENDATION

The Implementation Team should agree to meet on a regular basis, at least twice a year, to discuss significant issues related to the Action Plan.

Required Response

Mayor
Juvenile Probation Department
Criminal Justice Council
Juvenile Justice Commission

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ATTACHMENT 1

COORDINATING COUNCIL'S LETTER OF COMMITMENT





COORDINATING COUNCIL'S LETTER OF COMMITMENT

As active members of the San Francisco Juvenile Justice Coordinating Council, established by the San Francisco Board of Supervisors, we have met frequently over the last several months. Our meetings have guided the development of the Comprehensive Action Plan as well as the Juvenile Crime Enforcement and Accountability Challenge Grant application we are submitting to the California Board of Corrections. The financial assistance we are asking from the state, although significant, is being matched by contributions made by each of our agencies. Additionally, we are working closely with local and national businesses and foundations for further support. Our budget projections indicate that these moneys will be needed for a several year restructuring period. During this time each of us will work toward the reallocation of our own funds so the systemic changes we are implementing will become the norm for a new collaborative approach.

In addition to our formal meetings as a Council, each of us as well as representatives from our agencies participated in a least one eight hour Simulation Exercise which resulted in the specific program components of the Circle of Care. Our ability to work as a team is reflected in the consensus achieved in those sessions.

We are very excited and committed to the process, approach, the program components, and the policy framework outlined in our Action Plan and JCE & ACG Demonstration Grant application. Our commitment translates into direct action in implementing the plan. We commit to:

1. Dedicating our own time to active participation in the Council during this implementation phase.
2. Providing an in-kind match of resources as delineated in the proposal.
3. Dedicating our department personnel to specific components in the Circle of Care as well as to the Design and Detail Work Teams.
4. Adopting the inter-agency team approach to eliminate duplication and overlap of assessments and services.
5. Training our staff as needed to the new paradigms, attitudes, and tasks this integrated system may warrant.

6. Re-allocating resources as evaluation shows to be needed to insure long-term continuation of the new system norm after seed funding is completed.

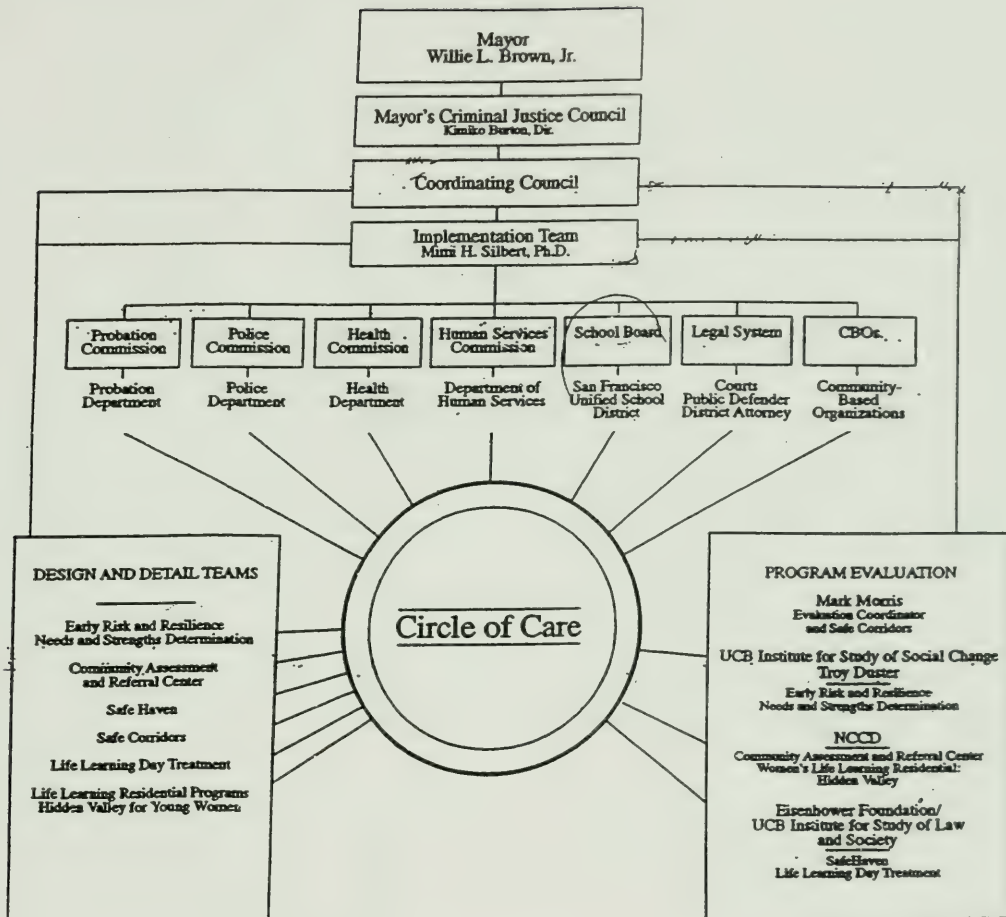
We know we have some hard work ahead of us as we come together to implement this new plan of integrated services. However, the shared vision we have been able to achieve in our session leaves us hopeful and enthusiastic about developing a national model to reduce juvenile crime, and develop healthy youths, families and communities.

<u>Name</u>	<u>Title, Department</u>	<u>Signature</u>
<u>Kimiko Burton</u>	<u>Director, Mayor's Criminal Justice Council</u>	<u>Kimiko Burton</u>
<u>Rudy Smith</u>	<u>Interim Chief, Juvenile Probation</u>	<u>Rudy Smith</u>
<u>Fred Lau</u>	<u>Chief, San Francisco Police Department</u>	<u>Fred Lau</u>
<u>Terence Hallinan</u>	<u>District Attorney</u>	<u>Terence Hallinan</u>
<u>Jeff Brown</u>	<u>Public Defender</u>	<u>Jeff Brown</u>
<u>Dr. Sandra Hernandez</u>	<u>Director, Department of Public Health</u>	<u>Sandra R. Hernandez</u>
<u>Waldemar Rojas</u>	<u>Superintendent, San Francisco Unified School District</u>	<u>Waldemar Rojas</u>
<u>Michael Yaki</u>	<u>Member, Board of Supervisors</u>	<u>Michael Yaki</u>
<u>Flynn Bradley</u>	<u>Assistant Director, Forensic Services</u>	<u>Flynn Bradley</u>
<u>Will Lightbourne</u>	<u>Director, Department of Human Service</u>	<u>Will Lightbourne</u>

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ATTACHMENT 2

**JUVENILE JUSTICE COMPREHENSIVE CIRCLE
IMPLEMENTATION CHART**



**Juvenile Justice
Comprehensive Circle Implementation Chart**

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ATTACHMENT 3

**COMMUNITY ASSESSMENT AND REFERRAL CENTER
PROGRAM NARRATIVE
PROGRESS REPORT #1
7/1/97 TO 12/31/97**

Community Assessment and Referral Center
State Board of Corrections
Program Narrative
Progress Report #1
7/1/97 to 12/31/97

The CARC Design and Detail Team has met twice a month since May 1997 and completed a detailed implementation plan for the Community Assessment and Referral Center including staffing, projected population, referral criteria, admission process. For example, we conducted an Intake and Release Study at Juvenile Hall to determine the anticipated client load (see attached Intake and Release Study). We also reviewed current intake procedures that will be required at the new facility (fingerprinting, access to juvenile records, process for release). Renovation plans were drawn for the facility space and the permit process was undertaken (renovation plans attached). The majority of the architecture services required for this effort were donated. The information sharing process for the CARC multi-disciplinary team is being developed. Visits were made to other assessment centers in Colorado and Florida. The San Francisco Police Department donated a fingerprint and photo machine to CARC, the U.S. Marshal's Office donated a metal detector, and the Probation Department is providing a Probation Terminal for data transfer. An Intake and Assessment Instrument and case tracking form are in final draft form based on information required by the Board of Corrections and a review of instruments from 28 other programs around the country (see attached list of instruments reviewed). This instrument will be used across all six San Francisco pilot programs with additional questions being added for individual programs. A management information system was developed for all six programs. One week of full time computer system development time was donated to the six San Francisco programs. Case management resources were identified for the entire City. We have received a proposal for donations of pediatric and mental health assessment services and client referrals for pediatric and mental health services from St. Mary's and Saint Francis Hospitals.

CARC staff positions will be filled by February 1998 and ten training sessions will occur in February and March for all staff (training schedule attached). CARC will open in March 1998. CARC will start with referrals from the Mission District Police Station. CARC will be staffed with personnel from the Probation Department, Health Services, a security officer, and an Assessment Shift Supervisor/Case Manager at all times. Additional staff will be available at high volume times and on call. A complete Protocol Manual for CARC is being drafted.

San Francisco, through the office of the National Council on Crime and Delinquency, has asked for approval of an alternative research design for the evaluation of CARC. We are waiting approval of this request.

**JUVENILE JUSTICE
COMMUNITY ASSESSMENT AND REFERRAL CENTER**

ATTACHMENT 4

CARC REFERRAL CENTER

**GUIDELINES FOR TAKING YOUTH TO EITHER
CARC OR YOUTH GUIDANCE CENTER
BASED ON TYPE OF CHARGE**

CARC REFERRAL CENTER

All juveniles arrested in the Bayview, Central, Ingleside, Mission, Southern and Tenderloin Task Force between 1000 - 0200 hrs Monday through Saturday shall be taken to the Community Assessment and Referral Center, CARC, rather than being cited or taken to the Youth Guidance Center. Exceptions are noted below.

CARC is located at 121 Leavenworth St. in the YMCA building. Officers shall use the Leavenworth St. entrance to the facility. CARC has the capability to fingerprint and photograph juveniles.

All arrested juveniles shall be brought to CARC – Except juveniles charged with:

- Homicide
- Forcible Rape, Sodomy, Oral Copulation
- In-home molest
- Felony arson
- Felony Assault where serious injury is inflicted
- Shooting of firearms
- Kidnapping
- Home invasion robberies
- Intimidating victim / witness (136.1 P.C.)
- Bench Warrants (to be discussed with judge)
- Out of county or out of country youth
- Juveniles cited for infractions
- Domestic Violence

Procedures for C.A.R.C. referrals

1. Officers shall call CARC at 567-8078, and complete CARC referral form instead of Y.G.C. form prior to transporting juveniles to the facility.
2. Officers shall notify parent/guardian to pick up juvenile at 121 Leavenworth St.
3. Officers shall prepare a citation and check the "To Be Notified box" for court date, and obtain a field print.
4. Officers shall use "C" in suspect box and write in "referred to CARC" or "cite to YGC" in other information box.
5. Officers shall fax a copy of the approved police report to CARC as soon as possible. Fax # 567-8226.
6. CARC will be responsible for processing the juvenile, as well as, admonishments, court dates, etc. and the conveyance of the juvenile to a responsible adult after the referral process.

Officers are reminded that all current Department Policies and Procedures still apply with regards to:

- Admonished/ Diverted juveniles
- Juveniles in possession of firearms/B.B. guns
- Juveniles 11 years and under who should be taken to CPS
- Intoxicated minors
- Status offenders
- Abuse or neglect cases

**JUVENILE JUSTICE
COMMUNITY ASSESSMENT AND REFERRAL CENTER**

ATTACHMENT 5

**LETTER DATED AUGUST 24, 1999,
FROM SUPERVISOR MICHAEL YAKI
TO
JESSE WILLIAMS, CHIEF PROBATION OFFICER**



MICHAEL YAKI

August 24, 1999

Jesse E. Williams, Jr.
Chief Probation Officer
Juvenile Probation Department
City and County of San Francisco
375 Woodside Avenue
San Francisco, CA 94127

Dear *Jesse* Williams:

I am writing to urge the Juvenile Probation Department to proceed with all expediency to secure full funding for the Detention Diversion Advocacy Project (DDAP).

As you are aware, DDAP has received national recognition as a model program for its effectiveness in lowering recidivism rates among high-risk juvenile offenders, concurrently reducing population counts in juvenile detention facilities – goals which the City and County of San Francisco has committed itself to as part of the Juvenile Justice Action Plan adopted in 1997. It is of great concern to me that despite quantitative evidence of DDAP's success in bridging the gap between incarceration and release, the Juvenile Probation Department has not made it a priority to ensure adequate funding for this program.

I have received several calls from members of the Superior Court and the District Attorney's office expressing strong support for the services that DDAP has provided to their offices and to the youth in San Francisco. Due to under-funding, however, DDAP does not have adequate staffing to support the number of referrals it receives. As a result, juveniles that would otherwise be released from custody under the supervision of a DDAP caseworker remain in custody and become further entrenched in the Juvenile Justice System.

I hope you appreciate the urgency and importance of securing full funding for DDAP. Each day that passes there are more children incarcerated that could benefit from the alternative services that DDAP provides – giving them a second chance to succeed.

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Yaki".

MICHAEL YAKI

Member, Board of Supervisors

**JUVENILE JUSTICE
COMMUNITY ASSESSMENT AND REFERRAL CENTER**

ATTACHMENT 6

**LETTER DATED SEPTEMBER 2, 1999,
FROM SUPERIOR COURT JUDGE KEVIN MCCARTHY
TO
SUPERVISOR MICHAEL YAKI**



Superior Court of California

County of San Francisco

KEVIN M. MCCARTHY
JUDGE

September 2, 1999

Supervisor Michael Yaki
One Carelton B. Goodlett Place
San Francisco, CA 94102

Dear Michael,

This is just a brief note to document the services that the Detention Diversion Advocacy Program (DDAP) provides to the Juvenile Delinquency Court and to the children and families who appear here.

One primary goal of the juvenile justice system is to keep children at home and families intact. At the same time, it may be necessary to take steps to secure the safety of the children and the community as a whole. There is often a tension between these two goals. DDAP, and other community based programs like it play an important role in reducing that tension.

DDAP caseworkers are hardworking, diligent people who focus on coordinating and delivering essential services to young people and their families. These services range from individual and family counseling, mentoring, job training, tutoring, to assisting in the contact with the school district and other government agencies. Moreover, DDAP caseworkers enforce curfews, help mediate family arguments and appear in court to report on the progress of the young people.

I have been very impressed with the program and the people who work there. The only concern I have is that budget constraints have made it difficult for DDAP to participate in a number of cases I would like to assign them to. This means that the children who might otherwise be released home under DDAP supervision must remain incarcerated in the Youth Guidance Center until some other alternative can be found. If we cannot find an alternative, some of those young people will end up in group homes or other placements away from their families.

375 Woodside Avenue
San Francisco, CA 94127
(415) 753-7740

There has also been an increase in the delay between the time a child is referred to DDAP and the time that the child has been interviewed and accepted into the program. This means that children who will eventually be a part of the program remain in custody for prolonged periods of time while the supervision plan is being put into place.

In conclusion, I believe that DDAP is an essential part of the Juvenile Justice System in San Francisco and that everybody associated with the organization merits recognition and appreciation.

If I can provide more information or help in any other way, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin", written over a horizontal line.

Kevin M. McCarthy

**JUVENILE JUSTICE
COMMUNITY ASSESSMENT AND REFERRAL CENTER**

ATTACHMENT 7

**LETTER DATED MARCH 13, 1997,
FROM ROBERT A. CORRIGAN, PRESIDENT,
SAN FRANCISCO STATE UNIVERSITY
TO
MIMI SILBERT, PRESIDENT AND CEO,
DELANCEY STREET FOUNDATION**



San Francisco State University
1600 Holloway Avenue
San Francisco, California 94132

Office of the President
115, 335, 1151
March 13, 1997

Dr. Mimi Silbert, President and CEO
Delancey Street Foundation
600 Embarcadero
San Francisco, CA 94107

Dear Dr. Silbert:

I cannot imagine a better person to have conducted a review of the Juvenile Justice System within the City and County of San Francisco, and I look forward to hearing much more about your full findings and recommendations. You have described one of those recommendations to me - your call for the establishment of Early Assessment Centers where juvenile offenders can receive intervention within hours of being detained. You envision Centers that would be open 24 hours a day, staffed by psychologists, family counselors, police and other professionals. I am writing to express my strong support for this idea and to confirm San Francisco State University's readiness to place student interns from a variety of disciplines in these Centers.

Our Departments of Psychology, Counseling, Special Education and Social Work all offer graduate programs which include internship experiences in various clinic and social service settings. Each of these programs includes students who would be qualified and interested in conducting an internship within the juvenile justice system. Additionally, our newly-established Marian Wright Edelman Institute for the Study of Children, Youth and Families includes a degree program in Child and Adolescent Development. That curriculum should be up and running by fall 1998, and the program can be expected to be a rich source of student interns for the Early Assessment Centers.

Your positive approach of early intervention with youthful offenders reflects the values we want our students in these human service fields to acquire. Participation in the Early Assessment Centers would be highly beneficial to them - and ultimately, to the community they will serve. Such an internship, well-supervised, will give our students invaluable insight into the application of their academic studies to real-life social service situations. The diversity of our student population is an additional strength we can bring to this partnership. Our interns are likely to reflect many of the communities from which these young offenders come. This is an exciting project, and we look forward to working with you on it.

Sincerely yours,

Robert A. Corrigan
President

**JUVENILE JUSTICE
COMMUNITY ASSESSMENT AND REFERRAL CENTER**

ATTACHMENT 8

**LETTER DATED MARCH 14, 1997,
FROM THOMAS M. STAUFFER, PRESIDENT,
GOLDEN GATE UNIVERSITY
TO
GOLDEN GATE UNIVERSITY COLLEAGUES**

GOLDEN GATE UNIVERSITY

San Francisco • East and North Bay • International • Monterey • Networks • Nevada • Sacramento • Seattle • Silicon Valley • Southern California

March 14, 1997

Dear Colleagues:

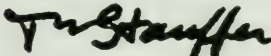
I have met with Dr. Mimi Silbert and reviewed San Francisco's Comprehensive Plan for Juvenile Justice. Golden Gate University is proud to become a key player on San Francisco's team to transform the juvenile justice system.

Our graduate program in clinical psychology is able to provide interns to several components of the plan: determination of early risk and resilience, needs and strengths; involvement in the Community Assessment and Referral Center; and participation in both the Safe Haven and the Life Learning Day Treatment Center. These provide wonderful opportunities for our students, under the direction of Associate Professor of Psychology Kit Carman, to apply the skills that they are learning as well as to make a significant contribution to our city where the university has operated now for 144 years.

We feel a strong sense of commitment to San Francisco and are delighted to become a partner in the Juvenile Justice Action Plan. It is particularly significant for Golden Gate University because a number of these programs are to be located not only at the Central YMCA building constructed after the 1906 earthquake as a national commitment to YMCA public service but also as the building where the then Golden Gate College was housed for sixty years. It is a wonderful opportunity for us to come full circle and "go home again" to Golden Gate University's founding organization, the YMCA.

We look forward to collaborating with all the other players to make San Francisco's integrated system of juvenile justice a national model both for the decline of crime and significant youth, family, and community development.

Respectfully yours,



Thomas M. Stauffer
President

cc: Professor Dr. Kit Carman
Dr. Mimi Silbert

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Report of the

1999-2000 San Francisco Civil Grand Jury

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SUMMARY

The 1999-2000 San Francisco Civil Grand Jury (CGJ) reviewed the San Francisco Medical Examiner's Office (the MEO). The initial impetus for this review was generated by third-party and anecdotal information and concerns as to alleged unfortunate and insensitive interaction with officials of the MEO investigators-response team and members of the public. After commencing the review, the CGJ became aware of an audit conducted by the Board of Supervisor's Budget Analyst and submitted to the San Francisco Board of Supervisors on April 18, 1997.

The CGJ concludes that the MEO Investigator/Response Team, individuals facing extremely difficult challenges each day, are a dedicated group of individuals who conduct their duties professionally and compassionately. Not only does an extensive background check secure quality applicants, but the investigators receive very thorough training by the MEO. The CGJ also concludes that many of the critical items set forth in the Budget Analyst's audit have been corrected. The CGJ has determined that other criticisms set forth in the audit were either not warranted or were not in need of further review or recommendation on the part of the CGJ.

The CGJ makes several recommendations, including greater availability of MEO department information, establishment of a method to notify affected parties if MEO representatives are going to be delayed, and consideration of contingency plans in the event of retirement by the current Chief Medical Examiner.

BACKGROUND

The MEO is mandated by Section 24010 of the California Government Code. This law allows a county board of supervisors to abolish the office of the coroner and provide instead for the office of a medical examiner to be appointed by the board and to exercise powers and perform the duties of a coroner. As against a "coroner," a position usually occupied by or appointed by a County Sheriff, a Medical Examiner shall be a licensed physician and surgeon duly qualified as a specialist in pathology. Prior to 1996, the MEO was under the jurisdiction of the office of the Chief Administrative Officer. Under the 1996 Charter Reform, the position of the Chief Administrator Office was replaced by the position of City Administrator. The MEO now reports to the Director of the Department of Administrative Services.

The duties of the MEO are many, varied, highly technical and of such a nature that failure to properly and professionally follow statutory guidelines and accepted procedures could lead to significant liability being assessed against San Francisco. Indeed, the MEO is governed and constrained by well over 150 sections of the California Welfare and Institutions Code, Government Code,

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Health and Safety Code, Code of Civil Procedure, Labor Code, Penal Code, Probate Code, Business and Professions Code and Vehicle Code as well as numerous federal statutes and regulations.

The foremost responsibility of the MEO is the investigation and certification of a variety of deaths. These include death by homicide, suicide, following injury, where there has been medical attendance of less than 20 days, where there has been no physician in attendance, where the physician was unable to state the cause of death or by suspected food, chemical or drug poisoning. Additionally, investigation is made of occupational or industrial deaths, or deaths where a patient has not fully recovered from an anesthetic, deaths in operating rooms, solitary deaths, all deaths in which the patient is comatose throughout the period of the physician's attendance, deaths of unidentified persons, deaths in which there are grounds to suspect that a death occurred in any degree from a criminal act, deaths involving contagious disease, deaths in prison or while under a sentence, all deaths associated with a rape, all deaths related to or following an abortion and all deaths involving a violent act or resulting from starvation, exposure, alcoholism or drug addiction.

Closely associated with responsibility for investigation and certification of deaths, the MEO is charged with protecting and safekeeping property belonging to deceased individuals, conducting inquests where indicated, maintaining proper public records, making reports to other agencies, identification of deceased persons, interment of the indigent and many other death-related activities.

The MEO interacts closely with state and the municipal agencies. In this connection the MEO provides crucial information used by the District Attorney's office and the Public Defender's office in the prosecution of suspects. Working in conjunction with the State Department of Health Services and the City and County of San Francisco Department of Public Health, the MEO participates in studies tracking AIDS cases and AIDS-related deaths in the City.

The MEO has been a pioneer in Sudden Infant Death Syndrome (SIDS) research. MEO participation in the "Back To Sleep" program has been the subject of wide praise. As mandated by §462 of the California Health and Safety Code, the Chief Medical Examiner participates on the California SIDS Advisory Committee.

The MEO is very concerned with the subject of child abuse. Review is made not only of deaths involving suspected child abuse but injuries resulting from child abuse. It should be noted that this is another distinction between a medical examiner and a coroner. A medical examiner as against a coroner may be concerned with injuries to living persons. The coroner is concerned with death cases exclusively. With respect to possible child abuse, the MEO may be contacted by Child Protective Services, hospitals, pediatricians, the juvenile department, the police department or the district attorney's office. Following

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review, if the MEO determines that there is a case of child abuse, the MEO is mandated to file a written report with the State Attorney General's office.

As required by law the MEO analyzes specimens taken from individuals suspected of driving under the influence of alcohol or being under the influence of illegal narcotics. The MEO has prepared a kit which is distributed to appropriate authorities with directions as to how to draw the samples. The samples are then sent to the MEO for analysis. Closer related to this function is the analysis of samples collected from police and fire department applicants.

California Government Code mandates that the MEO be concerned with alleged abuses in nursing homes. The MEO reviews all deaths occurring in nursing homes and is quite often able to spot elder abuse. Referrals are from Adult Protective Services as well as hospitals and other authorities. As in the situation with child abuse, when the MEO suspects elder abuse there is mandated a written report to the State Attorney General's Office.

The MEO is also responsible on occasion to examine alleged poisoned animals. This is not mandated by law but the MEO has taken on the duty where veterinarians have determined that an unusual poison may be involved.

METHODOLOGY

In carrying out the examination, the CGJ on several occasions met and conferred with MEO administration and staff. The 1997 audit was reviewed in detail, as were the MEO Annual Reports for the fiscal years 1997-1998 and 1998-1999, as well as assorted "in-house" MEO material regarding employee training and safety issues. Review was made of hundreds of letters from members of the public that were delivered in response to solicitations for information from the MEO. Three lawsuits filed against San Francisco which involved the MEO were reviewed. Interviews and correspondence were had with representatives of the City Attorneys office, the Police Department, the Department of Administrative Services and the Judiciary. A solicitation for information from the District Attorney's office was not responded to.

RESULTS OF INVESTIGATION

The MEO budget for the fiscal year 1998-1999 was \$3,557,167. The budget for the fiscal year 1999-2000 is \$4,109,513.00.

An organization chart covering the MEO is attached to this report as Attachment 1. As noted above, the Chief Medical Examiner has extensive experience and is highly regarded by his peers. His present salary is \$157,383 per year. He receives no compensation for being called back to the office evenings or

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weekends. The Assistant Medical Examiner's salary is \$149,370 per year. In addition, he receives compensation for stand-by, call back, and weekend and holiday time. The specific salaries of the toxicologist, pathologist and investigators will be discussed later in this report.

As required by law, the MEO submits to the Mayor, Board of Supervisors and Director of Administrative Services an Annual Report. The CGJ has reviewed the last three Annual Reports. They are detailed and informative. During the fiscal year 1998-1999, there were 7,188 deaths in the City and County of San Francisco. Of these, 4,449 were reported to the Medical Examiner. 2,828 were investigated and cleared for a physician's signature. The remaining 1,621 cases were accepted and reviewed by the MEO. The manner of death, whether accidental, homicide, suicide, etc. is set forth in the Annual Report. The manner of death by race, by age, and sex is also delineated with appropriate graphs and statistics. A ten-year comparison of the Medical Examiner's cases includes the number of cases and the manner of death by race, age, and sex. Sadly, a significant portion of the annual report is devoted to deaths resulting from drug abuse. The number of deaths involving drug abuse and the incidents by sex, race, age and alcohol involvement is detailed. Finally, and perhaps of particular interest to other City agencies, a detailed review is given as to vehicular deaths. It is of particular note that 32% of the vehicular deaths during fiscal year 1998-1999 were suffered by pedestrians.

Review of the MEO in Conjunction with the 1997 Budget Analyst's Audit

The 1997 audit initially determined that the Chief Medical Examiner was very well respected in the forensic pathology community and was certified by the majority of the western states in Western Canada as a forensic expert. This recognition was of great value to San Francisco and has been a key factor in generating the City's reputation in providing the highest quality forensic services. Furthermore, the MEO staff was extremely dedicated. The employees faced difficult challenges interacting with the public during stressful and emotional times. Finally, while there were reported incidents of citizens who were not pleased with the outcome of investigations or other interaction with the MEO and the investigators in particular, after reviewing incidents that were brought to the analysts' attention, the report indicated that the investigator's responded appropriately and acted in accordance with the established laws of the State of California and existing policies and procedures of the MEO.

However, the audit found serious concerns with a number of aspects of the MEO. The audit report faulted the MEO with respect to several Occupational Safety Health Administration (OSHA) violations. With respect to the testing by the MEO of office employees for communicable diseases, the audit determined that while California law requires written consent prior to testing any person for the HIV virus, two employees contended in 1994 that the MEO tested them for HIV

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without their implied or written consent. These tests resulted in two lawsuits against the City. The audit report also faulted the MEO with respect to sanitary conditions and the use of universal precautions to reduce the risk of infection to MEO staff, understaffing and inappropriate procedures in the toxicology lab, inadequate staffing and procedures in the pathology department, failure to notify the police department and district attorney of all inquests, and inadequate staffing and procedures in the investigation's department.

A. OSHA

The CGJ reviewed several OSHA citations. The first, issued in November of 1992 included allegations of inadequate documentation of safety and health training for each employee. In January of 1993, this citation was withdrawn after OSHA reviewed additional data. Another citation was issued in August of 1994. This citation related to improper use of formaldehyde and failure to have certain regulated waste containment procedures. The matters were abated and the citation was withdrawn. A 1997 citation regarding ventilation and an exhaust system in the autopsy room was abated in September of that year.

The 1997 audit expressed concern with the apparent reuse of disposable needles and syringes. The 1997 audit did acknowledge that there are no OSHA regulations regarding the reuse of needles. However, the audit cautioned that OSHA regulations regarding the proper treatment and handling of contaminated needles were not being followed.

The MEO maintains a Written Exposure Control Plan for Compliance with the Cal-OSHA Blood Borne Pathogen Standard in Compliance with Title 8 of the California Code of Regulations, Section 5193. The Plan is kept current to comply with changing regulations. The most recent revision was that on June 30, 1999. The Plan is applicable to all MEO employees who may be exposed to blood or other potentially infectious materials. The Plan is made available to all employees who are required to be familiar with it and failure to follow procedures outlined therein may result in disciplinary action. All employees of the MEO who have occupational exposure to blood-borne pathogens shall participate in a training program covering:

- applicable regulations;
- an explanation of the epidemiology, symptoms, and modes of transmission of blood-borne pathogens;
- an explanation of the MEO Exposure Control Plan;
- an explanation of methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
- an explanation of the use and limitations of methods that will prevent or reduce exposure and proper use, location of, removal of, handling, decontamination and disposal of personal protective equipment.

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The Forensic Laboratory Manager reports directly to the Chief Medical Examiner and is responsible for all employee training and the updating of all applicable governmental regulations regarding the MEO.

The CGJ is satisfied that the MEO is following OSHA regulations regarding the proper treatment and handling of contaminated needles. Specifically, the MEO Exposure Control Plan dealing with "reusable sharps," which include needles, provides that all needles and other disposable sharps shall be disposed of in a puncture resistant container immediately or as soon as possible after use; disposable sharps shall not be reused; contaminated needles and sharps shall not be sheared or broken. Containers for contaminated sharps shall be easily accessible and located as close as feasible to the immediate area where the sharps are used and immediately or as soon as possible after use, contaminated sharps shall be placed in a puncture resistant leak proof container. Reusable sharps or needles that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where the sharps have been placed. A picking tool shall always be used to remove reusable sharps from the container. In other words, placing sharps in sponges is prohibited. Sharps containers when filled are to be taped and disposed of as medical waste. The CGJ concludes that the concerns raised in the OSHA citations and the audit are satisfactorily resolved.

B. Testing of Employees for Communicable Diseases

The 1997 audit recited that in 1994 two employees of the MEO contended that they were tested for HIV without their implied or written consent contrary to law. These alleged acts resulted in charges being filed with the Equal Employee Opportunity Commission (EEOC) and lawsuits against San Francisco.

The CGJ review has determined that the lawsuits¹ were dismissed with no damages being assessed against San Francisco and that the MEO is in full compliance with respect to all legal requirements regarding testing for HIV, Hepatitis B, Tuberculosis and other communicable diseases.

The CGJ has determined that, at best, the complaint to the EEOC and the lawsuits resulted from communication errors. The required consent form was, in fact, in place at the time of the testing. The courts dismissed both matters.

¹ As noted above, the CGJ reviewed three lawsuits. Two involved alleged unauthorized testing. The third was a recent action brought by a survivor requesting that the MEO be ordered to change the death certificate from reflecting death resulting from natural causes to death resulting from accident. It is believed that this lawsuit was generated by a desire to recover a double indemnity provision in an insurance policy.

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The MEO Exposure Control Plan also provides for recordkeeping by the MEO regarding every employee with occupational exposure. These records shall include the name and social security number of the employee, a copy of the employee's Hepatitis B vaccination status, a copy of all results of examinations, medical testing and follow-up procedures, and a copy of any health care professional's written opinion. The confidentiality of this material is specifically spelled out in the Exposure Control Plan. Included within the Appendices to the Exposure Control Plan are copies of a Hepatitis B vaccination declaration and a release for HIV testing. With respect to the Hepatitis B vaccine declaration which calls for the signature of the employee, it is clearly set forth that due to occupational exposure to blood or other potentially infectious materials, the employee may be at risk of acquiring Hepatitis B. The employee is given the opportunity to be vaccinated at no charge. The employee may, if he or she wishes, decline to be so vaccinated. However, by declining the vaccine the employee understands that the risk of acquiring Hepatitis B continues. The employee can at a later date choose to be vaccinated.

The release for HIV testing clearly specifies that on the date executed, the employee is requesting to have his blood drawn for HIV testing. He or she understands that the test is totally voluntary. The employee can elect to have the test done by another lab or physician other than at the MEO. The test results will be given to the Chief Medical Examiner who will give the employee the results in private. The test is shielded so that only the employee and the Chief Medical Examiner will be aware of the results. The release for HIV testing will be kept as a record in the employee's medical file. Only if requested in writing will the results of the HIV test be placed there.

The CGJ concludes that the concerns raised in the 1997 audit regarding testing of employees for communicable diseases are covered.

C. Sanitary Conditions

The 1997 audit expressed concern with the state of the autopsy area. On investigating this matter the CGJ is satisfied that the observations made in the 1997 audit reflected an isolated incident. At the time of the auditor's review, the autopsy area was active with ten autopsies having been done that day. The one autopsy technician available was cleaning as rapidly as possible. The CGJ observed the autopsy area on three different occasions. On all occasions it appeared clean and sanitary. Finally, it should be noted that the MEO Exposure Control Plan provides in detailed format for the maintenance of a clean and sanitary work site. With special reference to the autopsy room, cabinets, drawers and work surfaces shall be thoroughly cleaned daily with disinfectant. All blood, dirt and grime on work surfaces shall be removed immediately. Plastic sheets on work surface tops shall be changed daily. Doors and equipment such as paper towel holders and telephones shall be cleaned with disinfectant daily. The

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autopsy tables, tops, sides and area underneath, sinks and other fixtures shall be cleaned with disinfectant after the final autopsy of the day.

The CGJ is satisfied and concludes that the concerns raised in the 1997 Audit are no longer on point.

D. Toxicology

Toxicology is the study of the interaction of foreign compounds, such as drugs, with living organisms utilizing sophisticated machinery and more common procedures, biological samples such as blood, urine, gastric contents, liver, etc. These tests are directed towards determining a cause of death as well as in evaluating significance of chemicals found in the living.

The 1997 audit found that, at that time, the MEO was not staffed with a Forensic Toxicologist. The position was eliminated during the fiscal year 1993-1994 budget process and later replaced with an Assistant Forensic Toxicologist II position. The Chief Medical Examiner assumed management and supervisory duties. The audit concluded that the Chief Medical Examiner spent less than five hours per week in the toxicology laboratory, which was an inadequate amount of time to provide overall management of the laboratory, supervise the laboratory staff, validate new drug assays and maintain a quality assurance program. While the audit determined that the MEO needed a Forensic Toxicologist to provide these duties, the audit recommended that the MEO utilize the existing Forensic Laboratory Manager to perform these duties. The Forensic Laboratory Manager could serve as the Chief Forensic Toxicologist to conduct appropriate staff training resulting in a more equitable redistribution of the workload.

The CGJ disagrees with the 1997 audit. The Chief Forensic Toxicologist referred to in the audit had been on staff for 13 years. During that period of time he had done none of the activities recommended in the audit. The particular Chief Forensic Toxicologist was laid off as a result of a 1993-1994 budget process. He filed an unlawful termination lawsuit, which was eventually dismissed. However, as it had gone up on appeal the MEO was forced to leave open the position for several years. The CGJ notes that, in addition to the 1997 audit general description of the duties of the Forensic Toxicologist, the Chief Medical Examiner, in "filling in" as Forensic Toxicologist, spends time going to court on relatively mundane matters such as driving under the influence cases, routine testing and dealing with attorneys both prosecution and defense who often call for expert advice on certain aspects of toxicology. All of this results in inhibiting the Chief Medical Examiner's ability to deal with situations more appropriate for his attention as Chief Medical Examiner. In relation to this point the CGJ has determined the Chief Medical Examiner spends 20-30 hours per week as "acting" Forensic Toxicologist rather than the five hours per week mentioned in the 1997 audit. Finally, the recommendation in the 1997 audit that the Forensic Laboratory Manager perform duties presently assigned to the Forensic

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Toxicologist is not realistic. The Forensic Laboratory Manager has specific and important duties and functions such as record keeping, assuring that the MEO practices are in compliance with State and Federal Regulations as well as assorted other administrative tasks. The Forensic Laboratory Manager's present duties allow no time to assume the duties of Forensic Toxicologist. Finally, it must be noted that the present Forensic Laboratory Manager is trained in pharmacology not toxicology.

The problems presently facing the Forensic Toxicology Section are not of the type that will be cured by moving people around or changing job titles. The problem is money. More specifically, the lack of money to attract qualified applicants.

As noted above, the position of Chief Forensic Toxicologist is presently vacant with the Chief Medical Examiner handling supervision of management of the section. The position of Chief Forensic Toxicologist is budgeted at \$110,610 per year. However, as a result of the passage of time, occasioned by the former Forensic Toxicologist having been laid off with a resulting lawsuit and appeal, the competitive salaries for a Forensic Toxicologist now have risen to \$120,000 to \$140,000 per annum. Furthermore, as a result of salary increases over the years, the salaries of the Assistant Forensic Toxicologists now approach the \$110,610 per annum that is allocated for a Forensic Toxicologist. The MEO advertised diligently to fill the position of Forensic Toxicologist. No one with appropriate qualifications replied to the advertisement.

E. Pathology

The Clinical and Forensic Pathology Section of the MEO is budgeted for five Forensic Pathologists, three Forensic Autopsy Technicians, and two Clinical Laboratory Technologists or Scientists.

In general, pathologists conduct autopsies. However, Forensic Pathologists within the MEO have additional duties. Where death has resulted from a crime they go to the crime scene and participate in the scene investigation. In so doing they gather evidence and interpret evidence on the scene. They advise appropriate representatives of the police department as to what should be collected. Having gathered this evidence, together with the conducting of the autopsy, the pathologists are able to determine the circumstances and manner of death.

The 1997 audit expressed concern as regarding the Pathology Department. More specifically it concluded that Forensic Autopsy Technicians were not being utilized to their potential and there was a lack of proper training for pathology staff and the workload in the pathology department did not appear to justify the current authorized staffing level of Forensic Pathologists.

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The CGJ disagrees with the 1997 audit on these points.

With respect to utilization of Forensic Autopsy Technicians to handle duties of Forensic Pathologists, the National Association of Medical Examiners clearly mandates that Technicians do not and should not do autopsies. Indeed, the duties of the Technicians at the MEO involve merely setting out the remains prior to the autopsy, setting up the various instruments and supplies that are needed for the autopsy, assisting in the autopsy by handing instruments to the Pathologist, cleaning up the body, releasing the body to a funeral home, and taking personal property to the police department property room.

With respect to the workload of the Pathology Department the statistics relied upon in the 1997 audit were faulty. The audit reviewed the overall case load of the MEO, divided that by the five budgeted Forensic Pathologist positions and determined that regardless of the number of full autopsies being performed, the overall case load in San Francisco did not justify the need for five Forensic Pathologists. This determination was made in comparison with other jurisdictions. However, the audit overlooked the fact that at the time in question there were only two Forensic Pathologists on staff with the Chief Medical Examiner acting as one. In actuality, rather than the 263 full autopsies alleged to have been performed by each Forensic Pathologist, the two Forensic Pathologists performed over 800 full autopsies during the period in question.

Another factor not considered in the 1997 audit is that the San Francisco MEO, unlike other jurisdictions, performs autopsies seven days a week. The Chief Medical Examiner has directed this being sensitive to the average person's desire to bury a loved one as soon as possible and being cognizant of religious beliefs mandating early interment.

As with the Forensic Toxicology Section, the primary problems in the Pathology Section involve lack of appropriate funding. Ideally, the Pathology Department should be staffed with five Forensic Pathologists. While budgeted for five Forensic Pathologists, the section presently only has two filled positions. This requires the Chief Medical Examiner to also participate in conducting autopsies. An additional Forensic Pathologist is scheduled to begin work on June 12, 2000. However, it takes up to two months of intensive training and interface with other members of the MEO team before a new Forensic Pathologist is qualified to conduct "calls" or crime scene visits. The MEO is attempting to retain a fourth Forensic Pathologist. To date, the budgeted salary for a Forensic Pathologist, \$152,346.00 appears not to be sufficient remuneration to attract qualified candidates.

F. Inquests

Section 27491.6 of the California Government Code allows the MEO to hold inquests to determine the circumstances and manner of death in cases that are

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within the MEO's jurisdiction. An inquest is a formal court proceeding that is conducted to provide information that will assist in determining the manner in which an individual died. In many cases the inquest serves to determine whether the manner of death should be noted as suicide or accident. Other reasons for holding inquests would include monitoring the quality of services provided by after hospital care facilities, monitoring the quality of service provided by hospital emergency treatment, establishing a record of incidents occurring at licensed care facilities if there is a question or concern about treatment or decision making processes, and providing families with a means of addressing concerns regarding the death of a family member and the circumstances surrounding that death. With respect to the latter, the Chief Medical Examiner specifically noted to the CGJ that an inquest can serve to give a family their "day in court" and hopefully some degree of assistance in healing and closure. The parties may have an attorney present at the inquest but the attorney may not ask questions. Questions and statements can be presented to the Medical Examiner relative to the inquest.

The 1997 audit concluded that while inquests may be requested by the Attorney General, District Attorney, Sheriff, City Attorney, or Chief of Police, they are generally held at the discretion of the Chief Medical Examiner. Such being the case, the 1997 audit concluded that they are generally held without representatives of the Police Department or the District Attorney's office being present. Thus the Police Department and District Attorney's office may not be alerted to situations that would warrant further investigation due to questionable responses or behavior of witnesses in the inquest process.

As noted above, the California Government Code places absolute discretion in the MEO as to whether or not an inquest should be had. The CGJ, having discussed this issue in detail with the Chief Medical Examiner as well as with representatives of the Police Department, is satisfied that the Medical Examiner always notifies appropriate agencies of an inquest which may be of interest to them. The appropriate contact in the Police Department advised that he had worked with the Medical Examiner for the past four years. He has always received appropriate notification of inquests. This is a particular concern in the area of child death, domestic violence death, or inconclusive or suspicious death. As noted earlier in this report, the CGJ made inquiry of the District Attorney's office relative to the issue of inquest. No response was received from the District Attorney's office. The Chief Medical Examiner has advised the CGJ that he conducts 30-50 inquests per year. He would like to do more but is prohibited by constraints on his time.

G. Investigations

The Investigations Division is responsible for investigating the circumstances of death of all cases which come within the jurisdiction of the MEO. As presently constituted the section includes one Chief Investigator and 11 Medical Examiner

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Investigators. In actuality, there are presently eight Investigators on staff. One position is unfilled and two investigators are out on long-term disability. The Investigation Section includes the individuals who are dispatched to a scene where a death has occurred. It is their duty to determine if the death is one that falls within the jurisdiction of the MEO. In addition to confirming the death of the individual and dealing with families or friends on the scene and later removing the remains, the investigation section is responsible for scene investigation which includes reconstruction and analysis, evidence collection and testing, blood spatter analysis, and interpretation and trace evidence collection.

The 1997 audit voiced concern regarding the Investigation Section. The audit concluded that the Section was overstaffed in permanent investigator positions. Part-time drivers were being paid the same salary as entry-level investigators although drivers did not possess the same licensing and other qualifications as full-time investigators. The audit recommended that the MEO prepare a comprehensive training program for all investigators. Furthermore, the number of investigator positions should be reduced by one position to a total of ten positions. Finally, it was recommended that in cooperation with the Human Resources Department the MEO formerly create a part-time Driver Classification resultant of a decrease in salary requirements.

The CGJ disagrees with these points raised in the 1997 audit.

The MEO does not include within the investigation section "drivers" part-time or otherwise and no such category is budgeted. As noted above, the investigator's duties are highly sensitive and the proper engagement of those duties requires intensive, specialized training. Indeed, investigators once fully trained are sworn peace officers. The tasks attended to by investigators could not be conducted by untrained drivers and any attempt to do so could subject the City to potential liability. The MEO has used part-time drivers on certain occasions when the investigation section was seriously understaffed. However, the drivers were limited to just that, driving the ambulance. The part-time drivers were recruited from other City departments. Their salaries were already fixed. If those salaries approached the salaries of entry level investigators, as alleged in the 1997 audit, there was nothing the MEO could do about it.

There are presently in place and coming on line various state and federal programs allowing for further training or "post certification" of investigators. These programs which include formal two-week courses on various subjects including fingerprinting, detection of trace evidence and other subjects are geared toward establishing a minimum national standard for death investigation. The programs are not open to persons other than previously trained and licensed investigators. Specifically, they are not open to drivers. To engage drivers at a lower salary than investigators to conduct or participate in the duties of investigators might, in the short run, save money. However, in the long run it will result in poorer investigations and as investigators would include persons not

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deemed to possess minimum training for death investigations, could lead to lawsuits and serious liability being assessed against the City.

Sensitivity and Interaction with the Public

As noted in the introduction to this report, the initial impetus for the CGJ review of the MEO was third-party anecdotal information and concerns as to alleged unfortunate and insensitive interaction with officials of the MEO Investigators-Response Team and members of the public. Indeed, during the period of the CGJ review an article appeared in the San Francisco Chronicle regarding an alleged insensitive and unfortunate incident where allegedly investigators from the MEO did not properly attend to a death with resulting emotional anguish to the family.²

After thoroughly reviewing this area, the CGJ is pleased to concur in the conclusions of the 1997 audit that the investigators and indeed the entire MEO staff have responded appropriately and acted in accordance with established laws of the State of California and existing policies and procedures of the MEO.

A. Initial Visual Impressions

For members of the family, or the general public, the first person or persons from the MEO that the family or member of the public will have contact with is a representative of the Investigator's Section. It is essential that the Investigator be able to immediately, effectively and sensitively deal with the situation. With respect to initial visual impression the MEO mandates appropriate dress regulations including a coat, trousers, shirt, tie, shoes, etc. The investigators are in fact "uniformed." They wear a badge on their left breast and name tags are to be worn on their right breast opposite a star. There is an initial visual impression of professionalism.

B. Order of Response

Members of the Investigation Section are thoroughly trained with respect to operational procedures. The MEO provides for an order of response giving priority to certain situations. First response is to a homicide. In descending

² The CGJ investigated this incident. The facts are that when the investigators arrived on the scene there were already present paramedics, police officers and a neighbor. The investigator was advised that the decedent's son in Santa Rosa had been contacted and was coming to San Francisco. The investigator then called the deceased's physician and determined that the death was natural and not under the jurisdiction of the MEO. The investigator then received a call regarding an accident that required his attendance. He so advised the police officer present as well as the other parties on the scene. Very shortly after the investigator left, the funeral director arrived and picked up the remains. It should be noted that the Chief Medical Examiner advised the newspaper of the facts but nonetheless the publication was made which misstated the facts.

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order, the required response to a situation where a decedent is in public view then is:

- a death with family members at the scene;
- a death with police officers at the scene;
- solitary deaths;
- death in a hospital emergency room;
- death in a hospital, convalescent hospital room, rest home or board and care home;
- indigent cases.

C. Delayed Response

The CGJ closely reviewed with the MEO the issue of delayed response to a call regarding a death. This was an area where the CGJ received anecdotal information. The Chief of the Police Department advised the CGJ that representatives of the MEO are more often than not on the scene before the police arrive. However, the Chief Medical Examiner did acknowledge that there were often delays with respect to representatives of the Investigation Section arriving at a home where family members were on the scene. As noted above, this chiefly involved a situation where the Investigation Team was required to attend to a homicide case or a situation where there was a decedent in public view. As noted above, these situations have a higher order of response than the situation involving a death with family members on the scene. The MEO Administrative Guidelines Manual does provide that if the investigation representatives are going to be delayed, the investigators should telephone the MEO to advise of the delay. The CGJ recommended to the MEO that if the investigator cannot arrive at the scene of the death within one hour of advising the parties on the scene, (particularly the situation involving deaths with family members present), they should telephone the individuals at the scene, explain the delay and give an approximate time of arrival. It is recommended that the investigator's ambulance contain a cell phone.

D. Public Information

There is available at the MEO in the Hall of Justice several brochures in different languages delineating in a very sensitive and informative manner the duties and functions of the MEO and providing other information to survivors. It is recommended that this literature also be available in the investigator's ambulances so that it may be distributed to the survivors or friends of the deceased at the time the investigators visit the scene.

The CGJ raised with the Chief Medical Examiner the issue of how members of the public may secure help in cleaning a premises that has been the scene of a violent crime. The Chief Medical Examiner advised that it is against the policy of the MEO to steer people to certain crime-scene cleaners. The MEO suggests

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that people look in the phone book for such services. The CGJ feels that this reticence to inform victims of violent crime as to cleaning services is not warranted. The CGJ does understand that the MEO does not want to be accused of steering members of the public to a particular vendor. Indeed there is a clear policy prohibiting referrals to a particular funeral home. However, it does seem a bit abrupt to advise people who are quite naturally in a state of shock to "look in the phone book." It is the CGJ's recommendation that a master list of crime-scene cleaning services be prepared and made available on request.

E. Cultural and Language Concerns

In that the population of San Francisco is so diverse in incorporating the number of recent immigrants from cultures that do not or may not understand the duties and functions of the MEO, it is particularly appropriate that the MEO be sensitive to difficulties in dealing with family members in such situations including the refusal of family members to allow access to the decedent or refusal to allow removal of the remains. The MEO Administrative Guidelines Manual provides that where access to the decedent is denied or the family or others refuse to allow removal of the decedent various procedures are to be followed. If the death is by natural causes, the investigators should explain to the family the ramifications of removal and the difficulty of certification of death. The investigators are cautioned to try to talk to one family member. If there is continued refusal it is suggested that the Investigator call the MEO. Contact with a clergyman or physician is suggested. Attempts should be made to get an outside friend, relative or professional involved. Finally, the investigators are instructed to be courteous and polite at all times.

The CGJ has determined that the inability of certain members of the public to speak English has not presented a significant problem to the effective operations of the MEO. In those situations where there is not present a family member or friend who can translate, the MEO calls upon translators from the Police Department or the Department of Public Health.

F. Sudden Infant Death

The very traumatic situation involving sudden infant death syndrome cases is treated in detail in the Administrative Guidelines Manual. The investigators are specifically instructed to never leave a mother by herself. There should be an attempt to ascertain when the husband or partner will be home. Either a neighbor or friend should be present. The investigators must leave SIDS literature with the family and explain that a San Francisco County Public Health Nurse will be calling. Section 462 of the California Health and Safety Code requires in SIDS cases that the County Health Officer or designated agent immediately contact the person or persons who had custody of the infant and explain to such persons the nature and causes of SIDS to the extent that current knowledge permits. It is the policy of the MEO to send a letter to the parents of a

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SIDS victim. This letter is extremely sensitive, tactful and informative. After initially conveying the utmost sympathy on the loss of the child the letter discusses the state of the knowledge regarding SIDS, appropriate support groups and services and the MEO's particular attention to examining the circumstances of the death in question. A copy of this excellent letter is attached to this CGJ report (Attachment 2).

G. Care of Personal Property

Section 27491.3 of the California Government Code provides that the Coroner or Medical Examiner may take charge of any and all personal effects, valuables and property of a deceased at the scene of death and hold or safeguard the property until lawful disposition thereof can be made. The MEO Administrative Guidelines Manual details treatment of personal effects and property and treats the subject with sensitivity. If a legal next of kin is present at the scene any personal property or effects of the deceased will be removed and a receipt will be given to the next of kin. In a case of solitary deaths, all searches must be conducted by the investigating deputy only. It is emphasized that the investigator must always have a civilian witness at the scene such as the hotel manager, friends, the person who found the deceased, etc. It is specified that clothing should not be destroyed indiscriminately. Any clothing that is clean and appears serviceable should be removed, appropriately wrapped and stored and placed with the deceased. The guidelines note that the staff is to be especially careful with belt buckles or other such accouterments. The one thrown away will be the one "Uncle Harry had for 100 years and is irreplaceable."

H. Complaint Procedures - Responses

The subject of complaints received from the public or other agencies is treated exhaustively in the Administrative Guidelines Manual. Any complaint received must be immediately reported to the Administrator. The caller must be informed that the Administrator will return their call as soon as possible. The person receiving the call shall provide the Administrator with a written statement of the facts concerning the complaint or any alleged deviation from MEO policy. The Department Head or the Chief Medical Examiner may hold a fact-finding session with the employees concerned in order to establish the facts.

Every month, ten cases are selected at random from cases investigated by the MEO. Form response letters are sent to the survivors. This is a one page document wherein the following questions are asked: (1) Were the investigators who came into the death scene courteous, dressed appropriate, helpful; (2) Did the investigators recommend a specific funeral director; (3) Did the investigators recover the deceased jewelry in front of you; (4) Did the investigators explain why they were taking the family member to the MEO; (5) Comments. The cover letter with this form states that the office:

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...recently investigated the death of your loved one. In order to monitor and improve our service to the community, we ask that you take a few moments to complete the enclosed questionnaire and return it in the self-addressed, stamped envelope provided. If you have any questions or concerns that you would like to address to me directly, please feel free to contact me at the number listed below. Signed, [Chief Medical Examiner]

As noted earlier, the CGJ reviewed literally hundreds of response letters received following solicitation by the MEO. There were only a very few complaints. One complaint had to do with the number of police cars in front of the house and officers laughing, etc. Another complaint concerned what was on the death certificate. The respondent felt that the death certificate appeared to make out the deceased as a drug addict which he was not. The respondent wanted the death certificate changed to "natural causes." One response did indicate that the staff was not sympathetic or helpful. However, the respondent indicated that she was in a state of shock and did not understand what was going on. She complained that no one later followed up with a telephone call and that she had to call the MEO. However, the great majority of the responses indicated that the investigators were "dignified," "courteous," "professional," "sensitive," and "went out of their way to locate relatives." Several individuals wrote lengthy comments and indeed some were specifically typed out on a separate page. It is of note that there were no responses that would indicate language or communication difficulties.

I. Public Information

The Administrative Guidelines Manual details regulations pertaining to public information. To foster cooperation and mutual respect between the public, the news media and the MEO, the Chief Medical Examiner or his authorized representatives are designated as the only personnel authorized to release any information regarding decedents. No information regarding a decedent or the circumstances of the death shall be released to the media unless the immediate next of kin has been notified. To assure that authorized personnel are communicating with a relative, the appointed representative of the family, or a member of a law enforcement agency, proper identification will be required before the MEO will release any information. Finally, the Administrative Guidelines Manual provides that, notwithstanding the MEO's cooperative attitude with the public and the media, certain information must be withheld from the public and the media in order to protect the rights of the next of kin.

J. Identification of the Deceased

The visual identification of a deceased friend or loved one is perhaps one of the most traumatic experiences a human being may be called upon to endure. The MEO is extremely sensitive to this issue. It is the policy of the MEO, as

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addressed definitively in the Administrative Guidelines Manual that, if a decedent is traumatized or in post-mortem decomposition, visual identification should not be utilized. If a family insists on viewing the traumatized and/or post-mortem decomposed decedent, and in the opinion of the investigator/pathologist that decedent is unviewable, every option should be taken to dissuade the viewing. If the family still insists, a waiver should be signed before viewing. It is of note that the Administrative Guidelines Manual specifically states that "common sense should prevail! The viewing room is for identification only, but the office is here to serve the public, and as such each case should be served on its individual merit."

The CGJ investigated the possibility that unauthorized third persons might enter areas of the MEO, specifically the autopsy room or storage area and view the remains of decedents. Indeed there was concern that unauthorized personnel might even photograph the remains. The CGJ is confident that appropriate security now exists to prevent such a happening. Some time ago the Chief Medical Examiner was working late and heard noises in the autopsy room. He investigated and found that the janitor had brought certain friends in to see the autopsy room. The MEO now cleans or otherwise attends to all janitorial services with respect to the autopsy room and other sensitive areas. There is a potential problem with the door utilized by the investigators' ambulances and funeral director's vehicles. This is the original door that was constructed at the time the Hall of Justice was built. While locked and made of steel, the Chief Medical Examiner is concerned that it could be crowbarred open. Were someone to do this and gain access to the MEO and photograph or otherwise take inappropriate action with respect to human remains, the uproar and potential liability to the City would be horrendous. It is strongly recommended that an appropriate requisition be made for the replacement of the existing door with a door matching all appropriate standards for security.

CONCLUSIONS AND RECOMMENDATIONS

Issues raised in the 1997 Budget Analyst audit

The CGJ has concluded that many of the critical items set forth in the 1997 audit have been corrected. Other criticisms were either not warranted or were not in need of further review or recommendation on the part of the CGJ. More specifically, past OSHA violations have been corrected. The MEO Written Exposure Control Plan and the training of employees ensures employees regarding the particular hazards inherent in their duties at the MEO. The lawsuits resulting from alleged testing of employees without their written consent were unmeritorious. All appropriate laws and regulations regarding consent for testing are in place. The MEO is meeting all regulations and requirements regarding sanitation and cleanliness. The 1997 audit's criticisms of the Toxicology and Pathology Departments were not warranted. What problems presently exist in those departments result from salary constraints inhibiting the retention of

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qualified professionals. The MEO is acting appropriately with respect to cooperating with other departments on the subject of inquests. The investigation division is not overstaffed but is in fact understaffed. Utilizing part-time drivers to handle certain duties of the investigation could result in serious legal exposure to the City and County of San Francisco.

Sensitivity and interaction with the public

With respect to interaction with the public, the CGJ concludes that the MEO acts with sensitivity and in accordance with established laws and existing policies and procedures of the office. The investigators, the first person or persons from the MEO that the family or a member of the public will have contact with present an initial visual impression of professionalism and act with sensitivity and kindness. While there have been occasions of delayed response those have been relatively few in number and were generally the result of the investigators being diverted to a higher priority call. The CGJ does recommend that appropriate contact be made with family members where a scheduled visit must be delayed. The CGJ also recommends that written information be left with survivors and survivors be advised as to appropriate assistance in cleaning a premises that has been the scene of a violent crime. The inability of certain members of the public to speak English does not appear to present a significant problem to the effective operations of the MEO. The MEO acts with great sensitivity in the area of Sudden Infant Death Syndrome cases. Regulations governing the handling of personal property are detailed and appear to be adhered to. The primary focus of MEO operations is dedicated to dealing sensitively and with kindness towards the survivors of the deceased.

The Chief Medical Examiner

San Francisco is fortunate indeed to have the benefit of the services of the present Chief Medical Examiner. He is a dedicated public servant. As noted earlier in this Report, the CGJ concurs with the impressions expressed in the 1997 audit concluding that the Chief Medical Examiner was very well respected in the Forensic Pathology community which recognition was of great value to San Francisco and is the key factor in generating San Francisco's reputation for providing the highest quality forensic services. The CGJ has noted the extensive time that the Chief Medical Examiner spends at the MEO, including weekends and evenings and the fact that he is subject to being called in at any time. Budgetary constraints require his participation in the Toxicology and Pathology Departments at the expense of his being able to give more attention to general managerial and supervisory duties.

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Recommendation (1)

If representatives of the Investigation Team are going to be delayed and cannot arrive at the scene of a death within one hour of advising the parties of the scheduled arrival, the investigators should telephone the individuals at the scene, explain the delay and give an approximate time of arrival. The investigator's ambulance should contain a cell phone.

Required Response

Chief Medical Examiner
Director of Administrative Services

Recommendation (2)

A master list of crime-scene cleaning services should be prepared by the MEO and made available on request to individuals requiring help in cleaning up a premises that has been the scene of a violent crime.

Required Response

Chief Medical Examiner

Recommendation (3)

Brochures currently available at the MEO in the Hall of Justice explaining the duties and functions of the MEO in several languages should also be available in the investigator's ambulances so that it may be distributed to the survivors or friends of the deceased at the time the investigators visit the scene.

Required Response

Chief Medical Examiner

Recommendation (4)

The door to the autopsy room used by ambulances and investigator vehicles is the original door constructed at the time the Hall of Justice was built and is marginally secure. Considering the potential liability of the City should a break-in occur, a requisition should be made for the replacement to a door with appropriate standards for security.

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Required Response

Chief Medical Examiner
Department of Public Works
Director of Administrative Services

Recommendation (5)

The present Chief Medical Examiner is a dedicated public servant highly respected in the Forensic Pathology community, as well as with City departments, agencies, and the judiciary. Budgetary constraints currently require his active participation in virtually all aspects of MEO activity. The Chief Medical Examiner will not be with us forever. Appropriate planning and discussion must be commenced to deal with the unanticipated departure of the Chief Medical Examiner through illness or retirement.

Required Response

Director of Administrative Services
Department of Human Resources

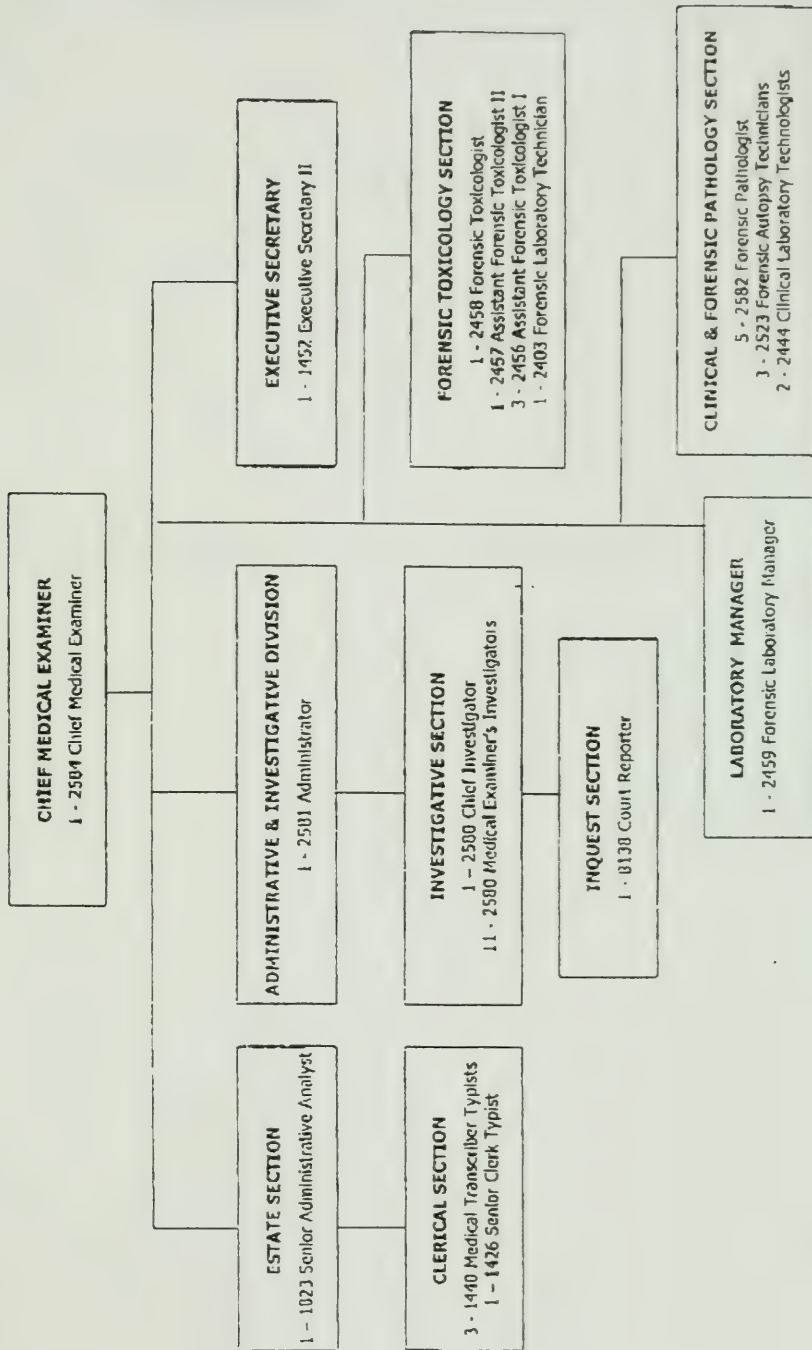
MEDICAL EXAMINER'S OFFICE

ATTACHMENT 1

Medical Examiner's Office Organization Chart

ORGANIZATIONAL CHART

Medical Examiner's Office



MEDICAL EXAMINER'S OFFICE

ATTACHMENT 2

Medical Examiner Office Letter to the Parents of a SIDS Victim



Dear Parent:

Please accept our utmost understanding and sympathy on the loss of your child. We have gone through this difficult time with many other parents, so we understand some of the problems that you have now and will face in the near future.

The initial investigation indicates that your child is probably a victim of the SUDDEN INFANT DEATH SYNDROME, sometimes known as crib death.

What causes infants who are healthy and so full of life to die so suddenly is currently unknown, although several possible causes are being investigated. Medical research into this condition, which causes the death of approximately 1,000 babies per year in the United States alone, is just starting. Hopefully, in the near future, the tragedy you are suffering can be prevented in most cases. This condition strikes suddenly, and silently among children from one week to one year of age. There is nothing to indicate that you or your other children are in any danger, or that children in the neighborhood are at risk. If you have any concern, however, have your children examined by your pediatrician. Should there be any reason to suggest that there is any danger or problems as we do our investigation, you will be contacted immediately.

There are many people who want to help you- if you wish. Most of these are parents who had the same thing happen to them. These parent groups do not require donations and will not force themselves on you, but stand ready to answer your questions day or night. They have study groups to help you learn the most current information about this problem, and to help you and others with common problems. They want to assure you, as we do, that you are not alone at this trying time. The Northern California Chapter of the National Sudden Infant Death Foundation can be reached at 415-428-3627. They will help you with information and a parent contact if you wish. If for any reason you try to make contact with this group, and are unsuccessful, contact this office, and we will give you the name of a parent contact.

Several things will now happen. Under California State Law, a Public Health Nurse is required to be contacted and to contact and or meet with you. You have done nothing wrong. This is not to check on you as a parent, but simply to be certain that you have the basic information about this condition, and to see that you have whatever support you need to go through this time without any unnecessary grief or misinformation. You may expect a call from her soon. Should you wish to contact her, call 558-3684.

Finally, this office is involved in the determination of the cause of death and establishing if there were any other factors that may be involved. In an extremely small number of cases, we will find that there is another cause of death, in which case we will notify you directly. Should we find any condition that would indicate a health hazard to you or other children, we will contact you immediately. If we find any condition that may be important to your decision to have other children, we will contact you, and be willing to pass on this information to your physician for counseling purposes. Completing our studies normally takes 10 to 14 working days, at which time the death certificate will be completed and filed with the Department of Public Health at 101 Grove Street. A letter will be sent to you showing the listed cause of death and containing information on how to obtain the death certificate or copies of our report.

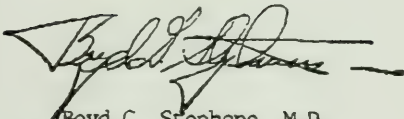
You may make arrangements with a mortuary immediately if you wish, or in a few days. There is no charge for our work except for copies of our reports, so there is no need to feel rushed about these arrangements. We will release your child on your signature to the mortuary of your choice. You can sign this form at the mortuary, and need not come to this office for that purpose. If for any reason you cannot make funeral arrangements, please contact me as soon as possible.

Should you have any questions regarding the investigation, the forensic pathology reports, any translation of medical terms, or any other problems that you think we might help with, please call this office. If

possible, call during the day, since only the deputies are on duty during the night, and they may be out of the office for periods of time. I will talk to you over the phone or make an appointment to see you in the office. There is no charge for such a visit.

The deputy has left you some literature that explains this condition to some extent, and gives other information. Remember that you could not have foreseen or prevented this death. There is no blame or fault to be placed on you. As you are not alone in having suffered this blow, neither are you alone, without friends to help.

Sincerely,

A handwritten signature in dark ink, appearing to read "Boyd G. Stephens", with a long horizontal flourish extending to the right.

Boyd G. Stephens, M.D.

Chief Medical Examiner

City & County of San Francisco.

SAN FRANCISCO NEIGHBORHOOD PARKS

Report of the

1999-2000 San Francisco Civil Grand Jury

SAN FRANCISCO NEIGHBORHOOD PARKS

SUMMARY

The Civil Grand Jury made a study of the Recreation and Park Department, focusing on the level of maintenance at and safe usability of smaller neighborhood parks and facilities. In addition, the Civil Grand Jury investigated the impacts of the parks bond (Proposition A from the March 2000 ballot) and of the open space fund extension (Proposition C from the March 2000 ballot) on these type of smaller neighborhood parks and facilities.

The Civil Grand Jury found that recognition of a need for change was developing among various Recreation and Park Department staff, parks advocates, and the media. There was a widespread acknowledgement that no significant capital expenditures or plan for neighborhood parks had been in place for nearly half a century. Small neighborhood parks sometimes would have key components unusable:

- damaged play structures might be fenced off;
- bathrooms might be kept locked; or
- playing fields left unusable.

The department facilities have long relied on whatever General Fund monies were annually made available and whatever staff energy and creativity could do to mitigate or slow any blight. Since funding was never certain from one year to the next, rehabilitation has been hard to plan and implement in a timely way. This is especially timely and relevant now that the rental and concessions revenue from 3Com (Candlestick) Park will dramatically drop, due to the permanent move by the San Francisco Giants to their new, privately-owned PacBell Park.

In 1999, the Recreation and Park Department prepared an extensive facilities improvement plan and capital use time-line for all its various facilities. What was particularly helpful was that this survey grouped facilities by the Supervisorial District in which they were located. This survey allowed residents and city staff alike to look at needs from a more neighborhood-oriented basis, i.e., at the sites closest to where people live and which they see most often.

BACKGROUND

The Recreation and Park Department was formed in 1949 as a consolidation of the parks and recreation divisions. The Department manages and operates all city parks, some county parks, 3Com Park, and a wide variety of other facilities.

SAN FRANCISCO NEIGHBORHOOD PARKS

METHODOLOGY

Members of the Civil Grand Jury visited the headquarters of the Recreation and Park Department on two separate occasions. They also interviewed residents, employees of neighborhood parks and recreation centers, and parks advocate groups.

RESULTS OF THE INVESTIGATION

A. Budget and Funding

The annual budget for the fiscal year (July 1999 - June 2000) is \$93 million. Funding is derived from the following sources:

1. Open Space program from property tax;
2. A one-time allotment item set by the Mayor;
3. A bequeathed oil well in Lake County;
4. Concessions from city parks and 3Com Park.

The Department oversees and receives income from concessions from 3Com Park. With the recent opening of PacBell Park, new home to the San Francisco Giants, income from 3Com lease payments and concessions will decrease. 3Com's only income from lease and concessions will be derived from the eight to ten Forty-Niners football games played there and from any special events, e.g., concerts and exhibitions. PacBell Park is privately owned and is not under the jurisdiction of the Recreation and Park Department

The Department has calculated that a stream of \$400 million is needed to improve and update community parks. The building of the funding would be through a ten-year program. The breakdown is as follows:

- \$150 million from the Open Space Fund. (March 2000 ballot's Proposition C authorized extension). Open Space funding, usable for some park and recreation purposes, would have soon run out and needed to be reauthorized by the voters if that funding stream were to be reliable for future capital spending purposes.
- \$30 million from the State Park Bond Program
- \$30 million from federal funding (L&WCF)
- \$110 million from the general obligation bond (March 2000 ballot's Proposition A)
- \$40 million from philanthropic sources (grants, sponsorships, bequests, etc.)
- \$40 million from the Urban Park Fund

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Funds are directed to those parks that are in urgent need of repair, rather than dividing funds equally among parks. Each community park has been designated on a listing of urgent attention. Instead of each park waiting until it has enough funds in order to do something, the funds are directed to a park that needs immediate assistance.

In addition, the Civil Grand Jury noted that some neighborhood parks have even resorted to putting "spare change" fundraising jars in neighborhood businesses, so as to promote wider awareness of that park's need for rehabilitation.

B. Permits

Most activities in community parks do not require a permit. Most people do not acquire permits for their activity in smaller community parks or more obscure areas of Golden Gate Park. The Department encourages park users to obtain permits, thereby officially reserving a specific space. Permits may be obtained for such events like a soccer game or baseball game at DeHaro Field. Most people follow the "first come, first serve" process.

Each year the Department issues approximately 25,000 permits of varying types at a price of \$15-\$25 (\$375,000-\$650,000 annually). There is also a conscious effort to encourage the use of smaller less popular areas in hopes of evenly utilizing the parks.

C. Technology

The Recreation and Park Department recently contracted for and implemented a new computer software database program. The new database program acts as a reservation scheduler, which also monitors reservations and types of activities. The software contains a database of all groups and individuals that have made reservations for facility/space. The database program contains categories for-- among others-- payments, problems, and wrongful use.

D. Children's Playground and Sporting Facilities

The groundskeeper/maintenance personnel regularly inspect children's playground, usually once a day. They look for possible hazards, such as deterioration of wood and metal structures. Many community parks are in need of new playground structures, yet there seems no schedule for replacement of substandard playground equipment. In some cases, structures were simply fenced off, prohibiting activity on or near them.

The basic cost of these playground structures range from \$30,000 - \$75,000 (unassembled) and are sometimes donated by individuals and/or organizations. However, installation costs through the Department of Public Works (DPW) can

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range up to 600 percent over costs. As an example, one playground structure we reviewed cost \$30,000, but the cost of installation was \$619,000--roughly 2000 percent of costs. Furthermore, installation may be slowed when incorporating interdepartmental coordination as compared to using one general (private) contractor.

In addition, neighborhood baseball diamonds and soccer fields show lack of consistent maintenance that would allow and promote easy and regular use by nearby residents.

E. Park Apparatus and Other Services

Purchase and installation of park benches, signage and/or lighting fixtures is done through various city government departments, divisions, bureaus, and agencies.

F. Recreational Facilities

In 1999, the Recreation and Park Department prepared an extensive facilities improvement plan and capital use timeline for all its various facilities. The facilities plan (Appendix A) detailed:

1. The projected source of income;
2. When and where planned for use, and
3. Inter-relationships with other government agencies (Port, Water, CalTrans, and Golden Gate National Recreation Area) having some control or direct impact on that neighborhood park.

G. Facilities

1. Restrooms were sometimes not open--even during high use times such as weekends and holidays.
2. Water would leak for long periods from water fountains, sprinklers, and bathroom facilities.

H. Community Outreach

1. Advocacy groups such as Coleman Advocates for Youth issued "report cards" for selected neighborhood parks.
2. The Recreation and Park Department conducted some evening forums around the city to solicit responses from neighborhoods.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion (1)

There is a high cost of installing new playground structures. Often it is more economical and efficient to have a private contractor install the equipment; however, the Department is bound by the City Charter to permit other city agencies to have first opportunity at the job. The incorporation of various departments (e.g., surveying and landscaping) raises costs and prolongs the process. In a cited example, it took the DPW six months to survey, design and install a children's playground. A private contractor could do the same in four to five weeks.

Recommendation

The Civil Grand Jury recommends the implementation of a procedure for streamlining cumbersome inter-departmental rules and requirements for procurement when items critical to use of a facility are out-of-service. The Civil Grand Jury also recommends that the Recreation and Park Department better coordinate with the DPW for a more efficient timeline of installation of playgrounds. Work that DPW estimates cannot be timely performed should then be sourced out to private contractors.

Required Response

Mayor
Board of Supervisors
Recreation and Park Department
Department of Public Works

Conclusion (2)

The Recreation and Park Department has long failed to fully investigate all possibilities as to city funding, purchasing and coordination of services, instead taking what was easily available or what it was politically pressured to provide.

Conclusion (3)

Neighborhood and community/vest-pocket parks have gotten less attention than high-profile, tourist-oriented parks and facilities.

Recommendation

The Civil Grand Jury recommends:

SAN FRANCISCO NEIGHBORHOOD PARKS

1. There be formalized some permanent process, within city government, to analyze and plan for Recreation and Park facilities and site repair.
2. There be developed long-range funding plans that don't substantially depend on annual General Fund support.

Required Response

Mayor
Board of Supervisors
Recreation and Park Department

Conclusion (4)

There is a growing consensus that neighborhood parks are the ones that residents use most, warranting substantial involvement of residents in the planning of improvements and changes.

Recommendation

The Civil Grand Jury recommends that, within the Recreation and Park Department, some form of ongoing advisory or consultation process involving neighborhood park users and nearby residents be developed.

Required Response

Recreation and Park Department

Conclusion (5)

The multi-source capital-funding plan together to meet the needs outlined in the report in Appendix A might be stretched to cover the estimated \$400 million need for repair and development in neighborhood parks.

Recommendation

The Civil Grand Jury recommends that there be developed some contingency and priority plan for what are the most critical facilities' needs, in the event that expected monies do not materialize or project costs significantly exceed budgeted amounts.

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Required Response

Mayor
Recreation and Park Department

Conclusion (6)

The Recreation and Park Department doesn't always know who's using its facilities and for what purpose. This makes it difficult not only to track unusual wear-and-tear or damage but also makes it hard to educate any and all users about what activity is and isn't appropriate for that facility.

Recommendation

The Civil Grand Jury recommends that there be some simple process for making information widely available to city park users about how to treat their parks.

Required Response

Recreation and Park Department

Conclusion (7)

The Recreation and Park Department does not reliably and regularly track wear-and-tear on all its facilities.

Recommendation

The Civil Grand Jury recommends that the Department rely on newly-emerging attitudes of commitment to the parks and on new technology to institute annual updating of the physical needs of each facility.

Required Response

Recreation and Park Department

SAN FRANCISCO NEIGHBORHOOD PARKS

APPENDIX A

RECREATION AND PARK DEPARTMENT

**CAPITAL PLAN:
Facility Improvement Phasing,
April 20, 2000**

CAPITAL PLAN
Facility Improvement Phasing

KEY:

- S=Short-term project to be completed within three years of full design and construction funding
- L=Long-term project to be completed within five years of full design and construction funding
- F=Long-term reforestation project
- NA=Long-term natural areas restoration project

This is a FINAL draft plan subject to revision based on public comment and the Recreation and Park Department's Strategic Plan



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MCLAREN LODGE
501 STANYAN STREET
SAN FRANCISCO CA 94117 1000

CAPITAL PLAN
Facility Improvement Phasing

current as of: 4/20/00

DISTRICT NO. 1: Richmond

ID.#	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
nid	Argonne PG		Open Space Fund	\$									
9	Argonne PG-Club House		NP Bond	\$									
24	Cabrillo PG		Open Space Fund							S			
24.1	Cabrillo PG-Club House		NP Bond							S			
51	DuPont Tennis Courts		Open Space Fund				S						
62	Fulton PG		Open Space Fund					S					
62.1	Fulton PG-Club House		Open Space Fund					S					
nid	Golden Gate Park	See Attached Project Chart	GPP Bond	L	F								
nid	Great Highway (Balboa to Lincoln)		OSF/State						S				
114	Lincoln Park	\$500 K GIFT FROM ALBERTSON'S	OSF/Concess/Grants										
508	Lincoln Golf Course		CONCESSION	F		S*	L						
nid	Parcel #4		General Fund/CCC	F									
146	Park Presidio Blvd.		SNA										
160	Richmond PG		OSF/Grants	F				S					
160.1	Richmond PG-Club House		Open Space Fund				S						
nid	Richmond Recreation Center		NP Bond										S
164	Rochambeau PG		Open Space Fund										
164.1	Rochambeau PG-Club House		Open Space Fund			\$							
167	Rossi PG		NP Bond			\$							
	Edwards Street Annex		NP Bond	SF									
167.2	Rossi Pool		Open Space Fund				S						
			NP Bond			L							

*Play area

CAPITAL PLAN
Facility Improvement Phasing

DISTRICT NO. 2: Marina													
ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
4	Alice Marble Courts	U.S. Interior Dept. - Maint/R/P	Open Space Fund	F									
6	Allyne Park		Open Space Fund	F									
7	Alia Plaza Park		OSF/NP Bond	F									
42	Cow Hollow PG		Open Space Fund				S						
42.1	Cow Hollow PG-Club House		Open Space Fund					S					
98	Joseph Conrad Square		Philanthropy/Grants								S		
100	Julius Kahn PG		Open Space Fund					S					
100.1	Julius Kahn PG-Club House		Philanthropy									S	
108	Lafayette Park		Open Space Fund				S						
112	Laurel Hill PG		Open Space Fund				S						
112.1	Laurel Hill PG-Club House		NP Bond					S					
119	Marina Green		Harbor Fund				L						
nid	Marina Yacht Harbor (east & west)		CA Boating and Water				S		S	S	S	S	S
	Marina Dredging		Harbor Fund/Grants				S						
	Marina Harbor Master Planning		Harbor Fund				S						
	East and West Harbor Electrical Service		Harbor Fund										
	East Harbor Toxics	Grants/Harbor Fund				L							
nid	Moscone Play Ground	OSF/Philanthropy				FL							
134	Moscone Rec. Center	OSF/NP Bond/Phil				L							
137	Mountain Lake Park	Open Space Fund				L		S		NA			
144	Palace of Fine Arts	GF/Phil/State				F							
168	Russian Hill Park	Open Space Fund				L						S	
504	Presidio Heights PG	Open Space Fund				F							
	Presidio Heights PG Clubhouse	Open Space Fund				S							

CAPITAL PLAN
Facility Improvement Phasing

current as of: 4/20/00

DISTRICT NO. 3 Chinatown, North Beach, Union Square

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
19	Broadway Tunnel East Mini Park	Change ID	General Fund	S					S				
19.1	Broadway Tunnel West Mini Park		NP Bond				S						
32	Chinese PG		Open Space Fund										
32.1	Chinese PG Club House		General Fund/State	S		S							
nid	Chinese RC (Outdoor spaces)	Play area is funded/ General Fund ADA	NP Bond/Grants			L							
nid	Chinese RC - Recreation Center		Philanthropy/Grants	L									
	Fay Park		CDBG/OSF										
79	Helen Willis PG	Funded	NP Bond	S	F								
79.1	Helen Willis PG Club House		OSF/Philanthropy	S									
226	Huntington Square		Open Space Fund				S				S		
87	Hyde-Vallajo Mini Park		Open Space Fund	FS									
88	Ina Coolbirth Park		Philanthropy/Grants	S									
502	Justin Herman Plaza, Parcels 202/203		OSF/Philanthropy	S	F								
122	Maritime Plaza	Includes Ferry Park	OSF/Philanthropy	S									
128	Michelangelo Park		OSF/Philanthropy	S		F							
141	North Beach PG		OSF/Philanthropy	S									
141.1	North Beach PG Club House		OSF/Philanthropy	S*			S*						
nid	North Beach Pool		NP Bond	S									
150	Pioneer Park	Funded	Open Space Fund	S									
513	Pioneer Park Coil Tower		OSF/Phil/STEA	SF									
nid	Portsmouth Square		OSF/Grants	L									
nid	Portsmouth Square Club House	Renovation in progress	OSF/87 Bond	S									
170	St. Mary's Square	Renovation recently completed	OSF/87 Bond	S									
198	Washington-Hyde MP	Recent construction	GF/OSF/Grants	S	F								
197	Washington Square & Marini Plaza	Master plan needed	Open Space Fund										
nid	Woh Hei Yuen Club House	New construction	OSF/Grants/Phil.	SF									
			Open Space Fund										S

*Year 1 project is the tennis courts, year 4 is the play area and other areas of the park

CAPITAL PLAN
Facility Improvement Phasing

current as of: 4/20/00

District NO.4 Outer Sunset, Parkside

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
111	Great Highway - Lincoln to Sloat		Grants/State							S			
111.1	Larsen Park		Open Space Funds		F	L							
123	Larsen Park Sava Pool		GF/NP Bond	L									
123.1	McCoppin Square	Feasibility Study funded by General Fund	Open Space Funds				F		S				
147	McCoppin Square Club House		Lease/OSF						S				
149	Parkside Square		Open Space Funds		F		S						
	Pine Lake Park	Lake, erosion, irrigation & habitat restoration	GF/OSF/Grants	LNA	F								
	Pine Lake Park Clubhouse												
182	Sigmund Stern Grove		OSF/Philanthropy		L	F							
182.1	Sig. Stern Grove Club House	aka Trocadero	Grants				S						
180	South Sunset PG		Open Space Funds		F		S						
180.1	South Sunset PG Club House		Open Space Funds		S								
nid	Sunset Open Space Acquisition		NP Bond				L						
186	Sunset RC (Outdoor spaces)	Site to be determined	NP Bond		F		S						
nid	Sunset RC - Recreation Center		Grants/OSF			L							
83.1	Wawona Club House	Recently renovated	Open Space Funds		F								S
200	West Sunset PG		Open Space Funds				F		S				
200.1	West Sunset PG Club House	Expand?	Open Space Funds						S				

CAPITAL PLAN
Facility Improvement Phasing

current as of: 4/20/00

District NO.6 Western Addition, Hayes Valley

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
2	Alamo Square	Partially funded (Open Space Fund)	OSF/NP Bond/Phil.	FL									
13	Beiderman-O'Farrell MP		Open Space Funds										
21	Buena Vista Park		OSF/Grants	L	FNA								
23	Buchanan Street Mall		Open Space Funds	F						S			
41	Bush Street Mini Park		Open Space Funds								S		
49	Collage Row MP		Open Space Fund		F		S						
59	Duboce Park PG	Play area funded	OSF/NP Bond	S	F								
71	Fillmore-Turk MP		NP Bond	L				S					
74	Golden Gate MP		Open Space Funds								S		
74.1	Grafton Park Clubhouse		Open Space Funds										
519	Hamilton PG		Lease/OSF							S			
511	Hamilton RC		NP Bond		S	F					S		
77	Hamilton Pool		GF/NP Bond		L								
77.1	Hayes Valley PG		GF/Grants		L		S						
105	Hayes Valley PG Clubhouse	Under construction	Open Space Fund		S								
105.1	Japan Peace Plaza & Pagoda		Philanthropy/Devel.										
107	Kimball PG		Open Space Funds		F		S						
	Koshland Park	Under Construction/ Wall still to be funded	Open Space Funds		S								
	Tank Hill	natural area	GF/OSF/Phil	S	F								
			Open Space Funds				NA						

CAPITAL PLAN
Facility Improvement Phasing

DISTRICT NO. 6 SOMA, Tenderloin, Civic Center, Treasure Island

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
58	Boeddeker Park		GF/OSF	S									
58.1	Boeddeker Park Recreation Center		NP Bond										
501	Civic Center		GF/OSF	S*			L						
	Franklin Square		Grants				S*						
	Hayes Valley Open Space		Open Space Fund					L					
188.1	Hyde-Turk Mini Park		Open Space Fund										
95	Jefferson Square		Open Space Fund										
93	James Lang Field		Open Space Fund										
118	Margaret Hayward PG		Open Space Fund										
118.1	Margaret Hayward PG Clubhouse		Grants/General Fund	S									
	North Mission OS Acquisition		OSF/State	S									
	North Mission OS Development		Open Space Fund										
143	Page-Laguna Mini Park		Open Space Fund										
153	Sergeant John Macaulay Park		Open Space Fund										
	SOMA PG		Open Space Fund										
173	SOMA RC		Open Space Fund										
	South of Market Park Development		Open Space Fund										
178	South Park		Open Space Fund										
	Tenderloin PG		Open Space Fund										
179	Tenderloin RC		OSF/Philanthropy				S						
188	Treasure Island		Open Space Fund										
	Union Square and Garage		Open Space Fund										
	Yerba Buena Island		Open Space Fund										
517	Yerba Buena Island (west side)		Grants	L									
			Revenue Bond										
			Grants										
			Grants										

*Franklin Square: Year 1 Project is funded (restrooms), Year 4 Project is play area

[illegible]

CAPITAL PLAN
Facility Improvement Phasing

current as of: 4/20/00

*West P

DISTRICT NO. 8 Glen Park, Noe Valley, Diamond Heights, Castro, Buena Vista

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
	Billy Goat Hill	Natural Area	Open Space Fund										
39	Clipper Street Acquisition	Natural Area Acquisition and Restoration	Open Space Fund										
	Corona Heights		Open Space Fund										
48	Diamond Heights Lots		Open Space Fund										
	Douglas PG		Open Space Fund										
	Douglas Clubhouse		Open Space Fund										
	Douglas-Upper Field		Open Space Fund										
	Douglas-Farnum Lot		OSF/NP Bond										
54	Duncan-Castro		Open Space Fund										
	Eureka Valley PG		Open Space Fund										
	Eureka Valley Recreation Center		NP Bond										
57	Everson Digby Lots		Open Space Fund										
	Fairmont Plaza		Open Space Fund										
	George Christopher PG		Open Space Fund										
66	George Christopher Clubhouse		Open Space Fund										
	Glen Park Canyon		Open Space Fund										
	Glen Park PG		OSF/Grants										
176	Glen Park Recreation Center		Open Space Fund										
	Glen Park Silver Tree Day Camp		NP Bond										
131	Kite Hill		Open Space Fund										
	Mission Dolores Park		Open Space Fund										
	Mission Dolores Park Clubhouse		NP Bond										
	Mount Olympus		OSF/Concession										
	Mount Sutro/UC Property		Open Space Fund										
140	Noe-Beaver MP		Open Space Fund										
139	Noe Courts		Open Space Fund										
	Peixotto PG		Open Space Fund										
	Peixotto Clubhouse		Open Space Fund										
39 1/516	Randall Museum and Grounds		Lease										
	Selwyn Street Steps		GF/NP Bond/Phil										
174	Seward Street Mini		Open Space Fund										
181	Slate Street PG		Open Space Fund										
	Twin Peaks		Open Space Fund										
	Twin Peaks Xmas tree point		OSF/Grants										
193	Upper Noe N.E. slope		Open Space Fund										
193.1	Upper Noe Playground		Open Space Fund										
	Upper Noe RC		Open Space Fund										
196	Waller Haas PG		OSF/NP Bond										
			OSF/Philanthropy										

CAPITAL PLAN
Facility Improvement Phasing

DISTRICT NO. 9 Bernal Heights, Mission

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
5	Alto Mini Park	Recently constructed	Open Space Fund	S									
nd	Bernal Heights Park OS	Natural Area; aka Top of the Hill	Open Space Fund							S			
14	Bernal Heights Mini Park	aka Eugene	Open Space Fund		S		NA						
nd	Bernal Heights Playground	add to database w/ ID#16	Open Space Fund							S			
16	Bernal Heights Rec. Center	roof	GFOSF	S									
38	Brewster Street Garden		Open Space Fund							S			
213	Coleridge Mini Park		Open Space Fund										
63	Coso Triangle		Open Space Fund					F					
nd	Garfield Square		Open Space Fund							S			
nd	Garfield Club House		Open Space Fund										
510	Garfield Pool	Recently renovated	Open Space Fund							S			
82	Holly Park	change ID# to 63.2 in database	NP Bond	S*			L						
521	Jose Coronado PG*	Portion in construction	Open Space Fund		FS								
nd	Jose Coronado Clubhouse	New construction	Open Space Fund		F	S						S	
102	Juri Commons Mini Park	Recently renovated	Open Space Fund										S
132	Mission PG	Play are recently renovated	NP Bond	S						S			
nd	Mission PG Clubhouse	Construction due to begin November 2000	NP Bond	S									
nd	Mission PG Pool		Open Space Fund				L						
133	Mission Rec. Center		Open Space Fund							S			
138	Mullen & Peralta Lots		Open Space Fund										
154	Potrero del Sol		Open Space Fund										
155	Precita Park	aka La Raza	NP Bond	S									
166	Rolph Park PG	Recently renovated	Open Space Fund		F								
166.1	Rolph Park PG- Club House	Renovation in progress	Open Space Fund					S					
169	St. Mary's Rec. Center	change ID# to 169.1 in database	NP Bond			L							
169.1	St. Mary's Rec. Center Playground	change ID# to 169 in database	Open Space Fund	SF									
nd	Treat & 23rd Street	In design	NP Bond	S									
190	Treat & 23rd Street Clubhouse		Open Space Fund	S									
194	Uiah-18th Street Mini Park		NP Bond	S									
			Open Space Fund		S		S						

*Garfield Pool: Repair roof

CAPITAL PLAN
Facility Improvement Phasing

current as of 4/20/00

DISTRICT NO. 10 Bayview, Hunters Point, Potrero Hill

ID #	Facility	Comments	Source of Funds	1	2	3	4	5	6	7	8	9	10
1	3COM (Candlestick)												
nid	Adam Rogers Park	Recently renovated	Development										
500	Bayview Park	Natural areas	OSF/Development	NAF				F		S			
520	Bayview PG		Open Space Fund							S			
520	Bayview PG Martin Luther King, Jr., Pool	Change ID In construction	Open Space Fund										
25	Campbell-Rutland MP	In design \$500,000 State funding	OSF/State	S									S
	Esprit Park	Purchase developed private park	OSF/NP Bond	L									
	Executive Office Park Open Space	Potential Easement to protect natural area	Development	F									S
66	Gimán PG		Open Space Fund				S			S			
66 1	Gimán PG Club House		Open Space Fund					F					
nid	Herz PG		Open Space Fund							S			
nid	Herz PG Club House		Open Space Fund										
800 3	Herz PG Coffman Pool		Open Space Fund			S							
81	Hilltop Park	Change ID	OSF/State	L									
	Housing Authority Property		Open Space Fund	F									
84	Hunters Point RC (Outdoor spaces)	Slopes above Hunters Point Blvd @ Fitch	Open Space Fund			S							
nid	Hunters Point RC - Milton Meyers Gym		OSF/OSF				S			NA			
89	India Basin Shoreline Park		NP Bond				L						
92	Jackson PG	Pier 84 & 98 @ Hunter's Point	OSF/Devel/Grants	SNA									
92 1	Jackson PG Club House	Phases 2 and 3	Open Space Fund										
505	Joseph Lee PG		GF/OSF				S		F				
nid	Joseph Lee Recreation Center		NP Bond	L									
104	Kellogg-Velasco PG		NP Bond	L									
nid	Le Conte MP		Open Space Fund				S						
115	Little Hollywood PG		Open Space Fund				S						
116	Louis Sutter PG		Open Space Fund			S							
116 1	Louis Sutter Club House		GF/87 Bond	S	F								
124	McKinley Square		Open Space Fund	S	F					S			
126	McLaren Park	Partial Funding	OSF/Philanthropy										
	Mansfield-Burrows Play Area		87 Bond/State	S									
	Gambier-Burrows Play Area												
	Play Area at Tennis Clubhouse												
	Group Picnic Area												
	Park Center	Including play area											
	Day Camp Facilities												
	Trail Development												
	Facility Signage and Pedestal Maps												
	Landscape Improvements	Irrigation, erosion control, etc											
	Sensitive Habitat Protection	including built elements								S			
	Forestry												
	Palega Recreation Center												
	Palega Playground												
	Palou-Phelps Land Acquisition	Natural Areas Acquisition	Open Space Fund	S									
	Palou-Phelps Open Space	Natural areas	Open Space Fund			NA							
145	Palou-Phelps MP		Open Space Fund			S							

DISTRICT NO. 10 (CONTINUED)

[illegible]

*Year 1 play area, fields in year 3

CAPITAL PLAN
Facility Improvement Phasing

DISTRICT NO. 11 Excelsior, Merced Heights, OMI

ID #	Facility	Comments	Source of Funds		1	2	3	4	5	6	7	8	9	10
10	Alice Chalmers PG Clubhouse	Acquisition	Open Space Fund											
10 1	Balboa Park/Stadium		NP Bond/OSF	L	F									
	Balboa Pool		GF/OSF/Grants											
	Brooks Park Addition		Open Space Fund	S										
	Brooks Park Improvements		SF											
	Cayuga PG	Partially Fuhded Separate facility Renovated six years ago	Open Space Fund											
	Cayuga PG Clubhouse		Open Space Fund											
	Cayuga-Lamarline MP		Open Space Fund											
	Crocker Amazon PG		Open Space Fund											
	Crocker Amazon Clubhouse		Open Space Fund											
	Crocker Amazon Skateboard Park	DPW property Improvements of newly acquired land	Open Space Fund	L*	F									
	Excelsior PG		GF/OSF	S										
	Excelsior PG Clubhouse		Open Space Fund											
	Genova Avenue Strip		Open Space Fund											
	Head & Brotherhood MP		COBG/OSF											
	Lessing-Saars MP	Separate facility	OSF/NP Bond	S										
	Merced Heights PG		NP Bond	S										
	Merced Heights PG Clubhouse		Open Space Fund											
	Oceanview PG		COBG/OSF											
	Oceanview RC		NP Bond											
	Randolph/Bright MP		Open Space Fund	L										

*Improvements to Play Areas

CAPITAL PLAN
Facility Improvement Phasing

current as of: 4/20/00

FACILITIES OUTSIDE SAN FRANCISCO

Type	Comments	Source of Funds		1	2	3	4	5	6	7	8	9	10
Sharp Park Camp Mather		GF/OSF/Concession General Fund	NA	L									
			F	S			S	NA		S			

CITYWIDE NEEDS AND SERVICES

Type	Comments	Source of Funds		1	2	3	4	5	6	7	8	9	10
Land Acquisition													
Open Space		OSF/NP Bond											
Playing Fields		OSF/NP Bond											
Natural Areas		OSF/NP Bond											
Services													
Urban Forestry													
Natural Areas													
Facilities Maintenance													
General		General Fund	S	S	S	S	S	S	S	S	S	S	S
Golf		General Fund	S	S	S	S	S	S	S	S	S	S	S
3 Com		General Fund	S	S	S	S	S	S	S	S	S	S	S
Marina		General Fund	S	S	S	S	S	S	S	S	S	S	S
Camp Mather		General Fund	S	S	S	S	S	S	S	S	S	S	S
Structural Maintenance													
Regular		GF - Operating	S	S	S	S	S	S	S	S	S	S	S
Deferred		GF - Operating	S	S	S	S	S	S	S	S	S	S	S
Preventative		GF - Operating	S	S	S	S	S	S	S	S	S	S	S
Facilities:													
Forestry Yard													
Maintenance Yard													
Satellite Maintenance Facilities													
Nursery*		GGP Bond	L										
Volunteer Center													
Citywide Support													
ADA Compliance		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Community Garden		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Dog Parks		Open Space Fund	S	S	S	S	S	S	S	S	S	S	S
Erosion Control		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Fencing		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Field Rehabilitation		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Hazard Materials Mitigation		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Information Systems		General Fund	S	S	S	S	S	S	S	S	S	S	S
Irrigation		Open Space Fund	S	S	S	S	S	S	S	S	S	S	S
Resurfacing: Courts and Paths		GF/OSF	S	S	S	S	S	S	S	S	S	S	S
Security Systems: Lighting and Alarms		Open Space Fund	S	S	S	S	S	S	S	S	S	S	S
Signage													
Other Departmental Services													
Real Estate		OSF/GF	S	S	S	S	S	S	S	S	S	S	S
City Planning		OSF/GF	S	S	S	S	S	S	S	S	S	S	S
City Attorney		OSF/GF	S	S	S	S	S	S	S	S	S	S	S

NEGLECT OF REPORTING REQUIREMENTS

Report of the
1999-2000 San Francisco Civil Grand Jury

NEGLECT OF REPORTING REQUIREMENTS

PREFACE

This Report, "Neglect of Reporting Requirements," was previously issued as an Interim Report the week of April 20, 2000. This Preface briefly discusses changes to the Interim Report following its issuance. This Report now is final and is included with the other final reports by the 1999-2000 Civil Grand Jury.

The conclusions and recommendations remain as originally presented in the Interim Report. Those agencies that have not yet responded to the Interim Report are requested to respond to this Final Report.

The Civil Grand Jury has received responses from several agencies and is appreciative of these timely responses. To date, 18 of approximately 230 agencies have responded. Tables 1 and 2 have been updated as applicable to reflect information in the responses. Since this Civil Grand Jury term ends in June 2000, information from responses received the last week of June or later cannot be reflected in this Final Report. The Civil Grand Jury has received responses from the following agencies:

Clerk of the Board of Supervisors (includes Assessment Appeals, Youth Commission)	Mental Health Board
City Attorney's Office	Metropolitan Transportation Commission
Civil Service Commission	Police Department
Mayor's Office of Emergency Services	Public Transportation Department
Family Violence Advisory Council	Public Utilities Commission
First Source Hiring Administration	Department of Public Works
Annual Joint Fundraising Drive (a.k.a. Combined Charities Campaign)	San Francisco Redevelopment Agency
Public Library (includes Library Comm. and Bay Area Library Information System Adv. Board)	Office of the Treasurer and Tax Collector

Other changes to the Tables include indicating which other agencies are defunct (information received either verbally or by update of the Administrative Code), adding new agencies (e.g., Business Tax Board of Review, Child Support Services), updating report requirements, and indicating which agencies have established a webpage following issuance of the Interim Report.

Lastly, we are also aware that the proposed 2000-2001 budget notes possible rearrangement of some executive branch departments into the Adult and Aging Services. In that these proposals are not finalized, this Report does not reflect any of the proposed reorganization.

NEGLECT OF REPORTING REQUIREMENTS

SUMMARY

Many San Francisco departments, boards, commissions and other agencies are failing to send copies of required reports to the Documents Department of the San Francisco Public Library, despite the requirements of Administrative Code, Section 8.16. The types of required reports required include annual, financial, statistics, and recommendation reports. It also appears that many reports required by the Municipal Codes may not even be prepared.

Failure to prepare required reports reduces the potential for policy makers to make fully informed decisions. Failure to send copies of reports to the Public Library diminishes the public's ability to easily review these public documents in a central location and decreases their ability to stay aware of local government successes, activities or plans; this failure also reduces the amount of historical material available for research.

BACKGROUND

This year's Civil Grand Jury attempted to use Public Library resources for research at the beginning of its term. It became apparent that documents required to be on file at the Public Library were in fact not available. Specifically, several Annual Reports were not available or were not current. Further investigation showed that other reports required by the Municipal Codes also were not available at the Public Library.

Several other investigations have also indicated lack of compliance with Municipal Code reporting requirements, including:

- Controller Department Audit 98020, dated September 15, 1999, in part documenting the failure of City departments to submit required reports to the Commission on the Status of Women. The Audit notes that the Commission had on file only 21 percent of the reports from City agencies required by Section 33.4 of the Administrative Code (129 out of the 632 required reports). The Audit also noted that the Commission had not met the Section 33.6 semiannual report requirement to the Board of Supervisors, as well as several other report problems;
- a 1997-1998 Civil Grand Jury report noting failure of departments to report overtime as required by Administrative Code, Section 18.13;
- a Board of Supervisors Budget Analyst report, dated March 13, 1998, also regarding failure to report overtime as required by Section 18.13;

NEGLECT OF REPORTING REQUIREMENTS

- Controller Department Audits 98046, 98058, and 98064, in part documenting failure to prepare and submit required reports to the San Francisco Arts Commission.

In that requirements of the Municipal Codes appeared to not be complied with, the Civil Grand Jury determined that a review to determine the extent of noncompliance was warranted.

MUNICIPAL CODE REQUIREMENTS

The San Francisco Charter and Municipal Codes (hereafter referred to as Municipal Codes) contain requirements for preparation and submittal of a wide variety of reports. The San Francisco Board of Supervisors also occasionally includes report requirements in its Ordinances and Resolutions; California and Federal laws may also impose some report requirements. The requirements typically state when and to whom the reports are to be submitted. The Board of Supervisors is the most usual required recipient of reports, followed by the Mayor of San Francisco.

Examples of required reports include the Ethics Commission report regarding whistleblower complaints, various Controller Department reports regarding the financial status of the City and County, Human Resources Department reports regarding sexual harassment claims, the Lead Hazard Reduction and Lead Poisoning Prevention Committees activity reports, the Recreation and Park Department Open Space report, the Public Health Department review of jail conditions, and the Children, Youth and Families Children's Services Plan.

In addition to requirements specific to each report, there also is a global requirement applicable to all official published documents. Administrative Code, Section 8.16, states in part:

It shall be the duty of every official, board, commission, or department, who or which publishes an annual report or other official published documents, relative to the affairs under his or her or its control or related to his or her or its functions, to file at least two copies thereof with the Documents Department of the San Francisco Public Library within 10 days after publication of each such report or document.

[...]

NEGLECT OF REPORTING REQUIREMENTS

The reports of documents required to be filed pursuant to the provisions of this Section shall be made available by the Documents Department for reference thereto by the People of the City and County.

Any violation of the provisions of this Section on the part of any elective officer or any member of any board or commission shall be deemed to be official misconduct and any violation of the provisions of this Section on the part of any employee shall be deemed to be inattention to duties and considered cause for suspension or dismissal from service.

The requirement to file annual reports with the Public Library has been in the Administrative Code since before World War II (see Ordinance 1542 from Series of 1939, Journal of Proceedings dated March 16, 1942). Reports required by the Municipal Code, ordinances or resolutions are official published documents and, therefore, two copies of such reports should be filed with the Public Library.

For the purposes of this report, agencies such as advisory committees are considered to be a unit of the agency they advise and, therefore, subject to the requirements of Section 8.16 as well.

It is interesting to note the Section 8.16 statement regarding official misconduct.

None of the Municipal Code requirements we reviewed had any penalties or sanctions for failure to make or prepare any of the required reports, yet once the reports are issued there then is a sanction for failure to send copies to the Public Library. The Municipal Code contains a large number of report requirements and, no doubt, some of these requirements have outlived their usefulness. A good example of a report requirement that may have outlived its usefulness is Administrative Code, Section 18.13. Section 18.13 requires overtime reports if certain conditions are met. Our interviews indicate that the data intended to be derived from this report are now more easily obtained from a monthly overtime report published by the Controller's Office. However, until the requirements are changed the required reports should continue to be submitted.

In addition to required reports, departments, boards, commissions, and other government agencies (hereafter referred to collectively as agencies) also issue many other reports relative to their affairs, which also should be sent to the Public Library. The Public Library does have a variety of these types of reports on file; however, as noted in the next Section, no agency has a complete listing of all of the types of reports that should be sent to the Public Library. Actions taken in response to the recently voter-approved changes to Section 67 of the Administrative Code, the "Sunshine Law," may eventually provide such a list. Therefore, we limited our review only to those reports that were required by the Municipal Codes.

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Failure to send copies of reports to the Public Library is a technical violation of Municipal Code requirements and diminishes the public's ability to easily review public documents in a central location. While the reading files of various departments and the Board of Supervisors Clerk's files are also available for public review, we note that during these investigations we have found it easier and more convenient to use the Public Library files. In addition, Section 8 of the Administrative Code allows agency documents either to be sent to storage after a departmentally-determined number of years or discarded. Therefore, if older or previous versions of reports need to be reviewed, this would be more easily done at the Public Library.

METHODOLOGY

To identify City agencies and their reporting requirements, we reviewed the San Francisco Municipal Codes, applicable Board of Supervisors resolutions and ordinances, and lists of active commissions, boards, etc., from the Mayor's Office and Board of Supervisors Clerk's Office (see Table 1). Our review centered primarily on agencies created by San Francisco, California or federal law which have recurring reports with regular submittal requirements (e.g., annual, quarterly, etc.) since there should be a reasonable certainty of finding them. Recurring reports are easier to use to verify compliance than are reports required only when certain conditions are met. One-time-only reports have also occasionally been included, usually where an agency's only requirement is to produce a final report. We have not included other types of report requirements (e.g., those for lobbyists to the Ethics Commission or non-profit organizations to the Board of Supervisors) since these reports would not be subject to the requirements of Section 8.16.

The Municipal Code recurring report requirements typically do not specify that a report need not be submitted if there is nothing to report. As noted in the Controller's Audit 98020, even if there is nothing to report a report nevertheless should be issued to document that fact. Issuance of such a report would eliminate ambiguity and would be of value to policy makers.

The files of the Public Library and Clerk of the Board of Supervisors were reviewed for reports (as noted above, the Board of Supervisors is the most usual required report recipient). Also, we reviewed CitySpan (www.sfgov.org), the website for San Francisco City and County (however, reports provided on the Internet do not satisfy Administrative Code, Section 8.16 requirements).

We also interviewed Public Library and Board of Supervisors personnel, as well as heads of various other City agencies.

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RESULTS

Results are presented in Table 1. A typical entry in the Table would look like this:

Department/ Board/ Commission, etc.	Charter/ Code Citation	Report(s)	Current Report?	Clerk, Brd of Supervisors Files	Doc. Desk Library Files	Web/ Other
typical agency name	XY, Z.123 (citation that requires the report or lists agency duties)	report frequency <to whom report is required to be sent>	is there a current report available	(the date of the report found in the files)	(in bold/italic if out of date or not found)	notes regarding reports on web, or other notes

A more detailed discussion of Table 1 parameters is presented in the introduction to the Table. The Table 1 shaded boxes, which denote either that a report was out-of-date or not found, indicate that approximately half of the agencies have a potential problem with respect to issuing recurring reports and/or sending copies of recurring reports to the Public Library.

CONCLUSIONS

Our interviews and review of data included in Table 1 lead to the following conclusions:

- (1) ***Many City agencies do not appear to be following the requirements of Administrative Code, Section 8.16 to file copies of official published documents with the Public Library.***

Table 1 indicates that copies of many reports have not been sent to the Document Desk of the Public Library. Library staff are aware of the requirements of Section 8.16 and have several times in the past sent out a reminder to various City agencies regarding this requirement (see Appendix B; library staff note that the City Attorney's office has reviewed and concurred with this reminder). However, library staff have had neither a full listing of all agencies that might be required to send copies of reports to the library, nor a list of what reports should be expected from each agency (no one else we interviewed knew of such a list either). Therefore, it is uncertain whether or not all applicable agencies received

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this reminder. Further, there is no requirement that Public Library staff send such a reminder, and library staff do not feel they have any recourse by which to encourage or enforce compliance with Section 8.16.

The issue of agency non-compliance with respect to Section 8.16 was brought to the attention of the Sunshine Task Force in April 1995 by Documents Department library staff. The library staff noted that there was no formal process to notify staff of the creation or demise of new agencies (this is also important with respect to posting of agendas and minutes) and that compliance with the requirements of Section 8.16 was not complete. Among the suggestions given by the Task Force to library staff was to write a letter to the Mayor, requesting compliance with Section 8.16 by all city departments (Charter Section 3.100 states that the Mayor shall have the responsibility to enforce all laws relating to the City and County). The letter was never drafted, and relative to this matter the Sunshine Task Force took no further action.

Interviews with various department heads indicate that many are not familiar with the requirements of Section 8.16. For those who were aware of Section 8.16, there was some confusion between this requirement and the requirements of Administrative Code, Section 8.7, which involves sending reports or other material of historical significance to the San Francisco History Room of the Public Library. The History Room is a different department and on a different floor than the Document Desk. There also was some confusion regarding exactly how the wording of Section 8.16 ("official published documents") related to the reports required by the Municipal Code.

The San Francisco City Attorney's Office publishes "An Overview of the Laws Governing the Conduct of Public Officials," to provide City officials with an overview of laws regulating their conduct as public officials. This document contains a wealth of information regarding public records and public meetings laws. Part 2 of the document is intended to familiarize elected officials, department heads, etc. "with State and local laws governing the public's right of access to City records and meetings conducted by City boards and commissions." However, the City Attorney's guide does not contain a discussion of the requirements of Section 8.16. This appears to be a missed opportunity to provide officials with information regarding requirements for public access to information at the Public Library.

Library staff report that the Documents Desk is patronized often by members of the public looking for a variety of documents from San

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San Francisco City and County government. Having copies of reports in the Public Library provides for a central location. The public then does not need to find out which departments and personnel to ask for what information. The Public Library is also open at more convenient times than are government offices. Lastly, review of documents at the Public Library is easier if one is reviewing a great number of documents or trying to review reports from different agencies to the same Administrative Code requirement (this reduces undue imposition on Board of Supervisors Clerk staff, and avoids having to go to each agency's reading file during their hours of operation).

(2) *Some City agencies are not aware of all the Municipal Code Sections that require them to submit reports.*

Failure of agencies to prepare required reports reduces the potential for policy makers to make fully informed decisions. Interviews with various department personnel indicate a varying degree of knowledge of reports required of their department by the Municipal Code. For instance, several departments were unaware of the requirements of Administrative Code, Section 18.13 regarding reporting of overtime. Other departments were unaware of the Annual Report requirements of the Charter, Section 4.103, and Administrative Code, Sections 1.56 and 2A.30. Still others, when other report requirements were brought to their attention, noted they should not be required to submit the information since that information was under the jurisdiction of another department, or that the report requirement should have been changed several years ago following a department reorganization.

Our interviews with various City personnel also revealed a lack of clarity regarding whose responsibility it was to:

- inform departments of their Municipal Code reporting requirements;
- follow up if these requirements were not met; and
- take enforcement action.

Some interviewees believed that the Clerk of the Board of Supervisors should be responsible for ensuring that reminders are sent to agencies that are not submitting required reports. Others believed that it was the responsibility of the Mayor, the City Attorney, or library staff.

The 1997-1998 Civil Grand Jury report on overtime and Administrative Code 18.13 reporting requirement requested a response from the Board

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of Supervisors. The Civil Grand Jury asked essentially that the Board take actions to enforce the Section 18.13 reporting requirements. The Board responded that they had no jurisdiction over the subject departments and, therefore, would not be taking any action. In this light, then it must be the chief executive officer (i.e., the Mayor) who has reminder and enforcement jurisdiction. The Charter, Section 3.100, which notes that the Mayor is responsible for enforcing all laws relating to the City and County, bolsters this position.

Our interviews indicate that the following factors are involved:

- there is no clear authority responsible for reminding agencies of their reporting responsibilities and ensuring compliance;
- there is no process by which agencies might on an annual basis be made aware of their specific report requirements and the requirements of Section 8.16;
- there is a lack of accountability if Municipal Code requirements are not met;
- the Municipal Code is voluminous, and there is no easy method by which a given agency can identify all its reporting requirements;
- there may no longer be any need for some of the reports marked ***no report found***, but no action was taken to delete the requirement;
- some agencies may be under the incorrect assumption that a report need not be submitted if there is nothing to report during a given report interval.

(3) *Some agencies send reports directly to the individual Supervisors, rather than through the Board of Supervisors Clerk.*

Several agencies had up-to-date Annual Reports on file at the Public Library, but had out-of-date Reports on file at the Board of Supervisors. When asked about the discrepancy, these departments noted that they had sent their recent Annual Report directly to each of the Supervisors, not to the Clerk. Unlike for Boards and Commissions, regulations for departments do not specifically state that Annual Reports should be sent to the Clerk of the Board of Supervisors. While such a transmittal directly to the Supervisors may fulfill the Municipal Code requirement to submit a report, it is less than satisfactory. Such material then is neither logged into the Clerk's files nor available for public review at the Clerk's Office.

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(4) *The requirements for Annual Reports are not clear.*

The requirements for Annual Reports for departments, boards, and commissions are unclear and, for such a relatively simple requirement, somewhat complex. A fuller discussion of this issue is presented in Appendix A. The applicable Municipal Code requirements are quoted in Attachments 1, 2 and 3 to Appendix A.

In brief, the requirements for Annual Reports from departments are different than for Annual Reports from boards or commissions. For example, departments are required to submit an Annual Report. Boards and commissions may submit either an Annual Report or an Annual Statement of Purpose; however, the Charter allows either option whereas the Administrative Code only discusses the Statement of Purpose. In addition, neither the Charter nor the Administrative Code defines what is a Statement of Purpose or what are its parameters. Nor does the Municipal Code make any qualification to these requirements for advisory boards or commissions.

In summary (and for ease of discussion in the Recommendations section), the findings from the above conclusions are:

- 1) Many agencies do not appear to be following the requirements of Administrative Code 8.16.
- 2) Many people are unaware of the many report requirements in the Municipal Codes.
- 3) Many people are unaware of the requirements of Administrative Code 8.16 requirements to send copies to the Public Library.
- 4) There is no list of all reports and documents that should be available at the Public Library and that also could be used by the library staff to send out reminders or otherwise contact departments to get copies.
- 5) City Attorney overview material does not provide any information regarding Section 8.16.
- 6) There is a lack of clarity as to who within San Francisco City government should be responsible for ensuring that all government agencies are informed of all their requirements. There also is a lack of clarity as to who should monitor compliance with Municipal Code requirements, and enforce the requirements as necessary.
- 7) Municipal Code requirements sometimes are not easy to find. Report requirements are sometimes not well labeled, the indexes for the Municipal Codes are sometimes deficient, and sometimes responsibilities for reports are called out in a part of the Municipal Codes that a given

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agency would not expect (e.g., Police Department report requirements called out in the Traffic Code).

- 8) Some agencies send their reports directly to each of the Supervisors, rather than sending the reports to the Supervisors through the Clerk's Office.
- 9) Municipal Code Annual Report requirements are not well-defined (see Appendix A for details).

RECOMMENDATIONS

Finding (1) ***Many agencies do not appear to be following the requirements of Administrative Code Section 8.16 that two copies of all public documents be filed with the Public Library.***

Recommendation

Each agency is requested to respond in writing to the Civil Grand Jury as to whether or not that agency:

- agrees whether or not listed report requirements are correct;
- agrees whether or not report status is correct;
- believes there are any requirements we have omitted;
- intends to send material to the library.

Also, please tell us how you have incorporated, or will incorporate, knowledge of these requirements into any department procedure or other internal process such that staff turnover, etc., will not negatively impact sending required material to the Document Desk of the Public Library. Also, please let us know how you have disseminated this information to your staff.

Required Response

All agencies

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- Finding (2) ***Many people are unaware of the many report requirements in the Municipal Codes.***

Recommendation

As noted in Charter Section 3.100, the Mayor is responsible for enforcing all laws relating to the City and County. The Mayor or his designee should send a letter to all agencies reminding them of their duty to be aware of code requirements, as well as his expectations regarding their compliance with Code requirements.

Required Response

The Mayor

- Finding (3) ***Many people are unaware of the requirements of Administrative Code 8.16 requirements to send copies to the Public Library.***

Recommendation

The Mayor or his designee should send a letter to all agencies reminding them of their duty to be aware of code requirements, as well as his expectations regarding their compliance with Code requirements.

Required Response

The Mayor

- Finding (4) ***There is no list of all reports and documents that should be available at the Public Library, and that also could be used by the library staff to send out reminders or otherwise contact departments to get copies.***

Recommendation

In response to the recent voter-approved modifications to Administrative Code, Section 67, Administrative Services is in the process of preparing a list of all documents prepared by various agencies. This list will include all agency reports and documents;

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the reports required to be sent to the Public Library are only a subset of this larger list. The information in Table 1 may be of some use to the Administrative Services Department in their task. Once prepared, the Administrative Services list would be a resource for any Library staff action.

Required Response

Administrative Services

Recommendation

The "Posting and Depository Factsheet" currently sent out by Public Library staff as a reminder regarding the requirements of Section 8.16 should be revised. Specifically, the Factsheet notes that copies "should be sent". Our review of Section 8.16 indicates that the requirement supports stronger wording, and we recommend that Library staff change "should" to "shall", possibly using a bold font. We also recommend that the list of official publications be modified to add "reports issued in response to Municipal Code requirements."

Required Response

Public Library, Documents Department

- Finding (5) ***City Attorney overview/training material does not provide any information regarding the requirements of Section 8.16.***

Recommendation

The City Attorney publication, "An Overview of the Laws Governing the Conduct of Public Officials," should be revised to include appropriate guidance to all agencies regarding the requirements of Administrative Code, Section 8.16

Required Response

The City Attorney's Office

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Finding (6) ***There is a lack of clarity as to who within San Francisco City government should be responsible for ensuring that all government agencies are informed of all their requirements. There also is a lack of clarity as to who should monitor compliance with Municipal Code requirements, and enforce the requirements as necessary.***

Recommendation

The Mayor or his designee should establish a process to send out an annual reminder letter to all agencies informing them of their duties to be aware of code requirements, as well as his expectations regarding their compliance with Code requirements. This should include an annual review and update of the list of publications that that agency prepared in cooperation with the Administrative Services Department. The Mayor or his designee should also establish a process by which input could be received regarding potential noncompliance.

The Mayor should also formulate a policy regarding actions that would be taken by his office should an agency not follow the requirements of Section 8.16.

Required Response

The Mayor

Recommendation

The Board of Supervisors should tell new agencies about the requirements of Administrative Code 8.16, perhaps by inclusion of specific reference in the resolution or ordinance used to create the agency. City departments and long-standing boards and commissions may retain a "corporate memory" of requirements. Newly-formed agencies that may only be in existence for a year, then produce a final report may not otherwise be notified of any Municipal Code requirements that apply.

Required Response

The Board of Supervisors

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Finding (7) ***Municipal Code requirements sometimes are not easy to find. Report requirements are sometimes not well labeled, the indexes for the Municipal Codes are sometimes deficient, and sometimes responsibilities for reports are called out in a part of the Municipal Codes that a given agency would not expect (e.g., Police Department report requirements called out in the Traffic Code).***

Recommendation

The Board of Supervisors should study the Municipal Code structure, especially with respect to (a) labeling of report requirements, and (b) how the indexes are established. Report requirements should be better identified.

Required Response

The Board of Supervisors

Recommendation

As the Board is currently doing with its revisions to the Administrative Code, consideration should be given to revising other parts of the Municipal Codes. The Board should review current report requirements for relevance, and consider elimination of those requirements no longer useful.

Required Response

The Board of Supervisors

Recommendation

In its role to prepare and make available a codification of the ordinances of the City and County (Charter Section 6.102), the City Attorney's Office should consider preparing a master index for all Sections of the Charter and Municipal Codes. A master index would make it easier for agencies to identify all requirements that apply to them. The Charter and Municipal Codes are available on the Internet for full-text search, but some searches can result in

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many "hits" to review. A master index could shorten this process. Also, not all members of the public have Internet access.

Required Response

The City Attorney's Office

- Finding (8) ***Some agencies send their reports directly to each of the Supervisors, rather than sending the reports to the Supervisors through the Clerk's Office.***

Recommendation

On a regular basis (perhaps yearly), the Clerk of the Board of Supervisors should send out a reminder letter to all agencies regarding the need to send, through the Office of the Clerk, any documents required to be reported to the Board of Supervisors.

Required Response

Clerk of the Board of Supervisors

- Finding (9) ***Municipal Code Annual Report and Annual Statement of Purpose requirements are not well defined (see Appendix A for details).***

Recommendation

The Board of Supervisors should initiate action to make the following changes to the Administrative Code:

- (a) Administrative Code, Section 1.56, should be revised to allow either the Annual Report or Annual Statement of Purpose option.
- (b) Section 1.56 should be revised to note that the Annual Statement of Purpose and the Mission and Goals statements are equivalent.
- (c) Section 1.56 should be revised to clarify which boards and commissions (all, just those in charter, none that are advisory, etc.) to which it applies.

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- (d) Sections 1.56 and 2A.30 should be revised to indicate to whom the Annual Report should be sent.
- (e) Sections 1.56 and 2A.30 should be revised to indicate Annual Report expectations for those cases where there is both a department and a board or commission (two separate Annual Reports would not be required)
- (f) Consideration should be given to some form of combination of the Annual Report and Customer Service Plan report requirements. Some examples of Annual Reports with specific content requirements include Park and Recreation and the Lead Hazard Reduction Program.

Required Response

Board of Supervisors

ANCILLARY RECOMMENDATIONS

Finding (10) Some of the findings in this report may be of interest to the Sunshine Task Force.

Recommendation

We recommend that the Task Force review this report for concurrence and followup. For those recommendations with which the Task Force agrees, we request that the Task Force consider sending letters of concurrence to those from whom we have required a response, notifying them of your concurrence.

Required Response

Sunshine Task Force

Finding (11) Several agencies are placing some of their documents (includes both required and non-required reports) on their Internet web pages. This does put the reports into an easily accessible public space; however, Section 8.16 currently does not specify this as a method for compliance with its provisions. Surprisingly, some of the information was available only on the Internet, not in the Board of Supervisors Clerk's or Public Library files. Also, some of the

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information on the Internet was out of date with respect to material available in the Library. Therefore, we make the following observations:

- Putting a document on the Internet does not meet Administrative Code requirements to send two copies to the Public Library.
- Attention must be paid to keep information on a web page current, unless the agency is also maintaining an archive.
- There are people that do not have ready access to the Internet yet. The Public Library does maintain availability of Internet access for the public, but sometimes it can be difficult to get all the research done in the time usually allotted (1 hour).
- There must be strong document control procedures to ensure that the version placed on the Internet is the same as that issued in paper form. The issue here is that sometimes several earlier drafts or versions of a report exist, and care should be taken to ensure that the correct version is uploaded to the website. Also, following upload there should be restrictions on access so that uploaded files are not inadvertently accessed and modified.
- Sometimes a report has graphs or tables that are not easily presented on the website. Also, if graphs and tables are presented, there remains the issue of access to this information by the blind since software translators may not be able to adequately translate such information.
- Information should be easy to find on the website. Even though the document is on the Internet, it may not be in the most easily found area. Reliance on use of the website search engine is not necessarily the best way, since this essentially presupposes that the public should know that such information is there, or should be there, to be found. If one doesn't know that the information should be available, then one very well may not use a search engine to find it.

Recommendation

A reminder regarding City policy on posting information on the Internet should be developed and communicated to all affected agencies.

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Required Response

The Mayor

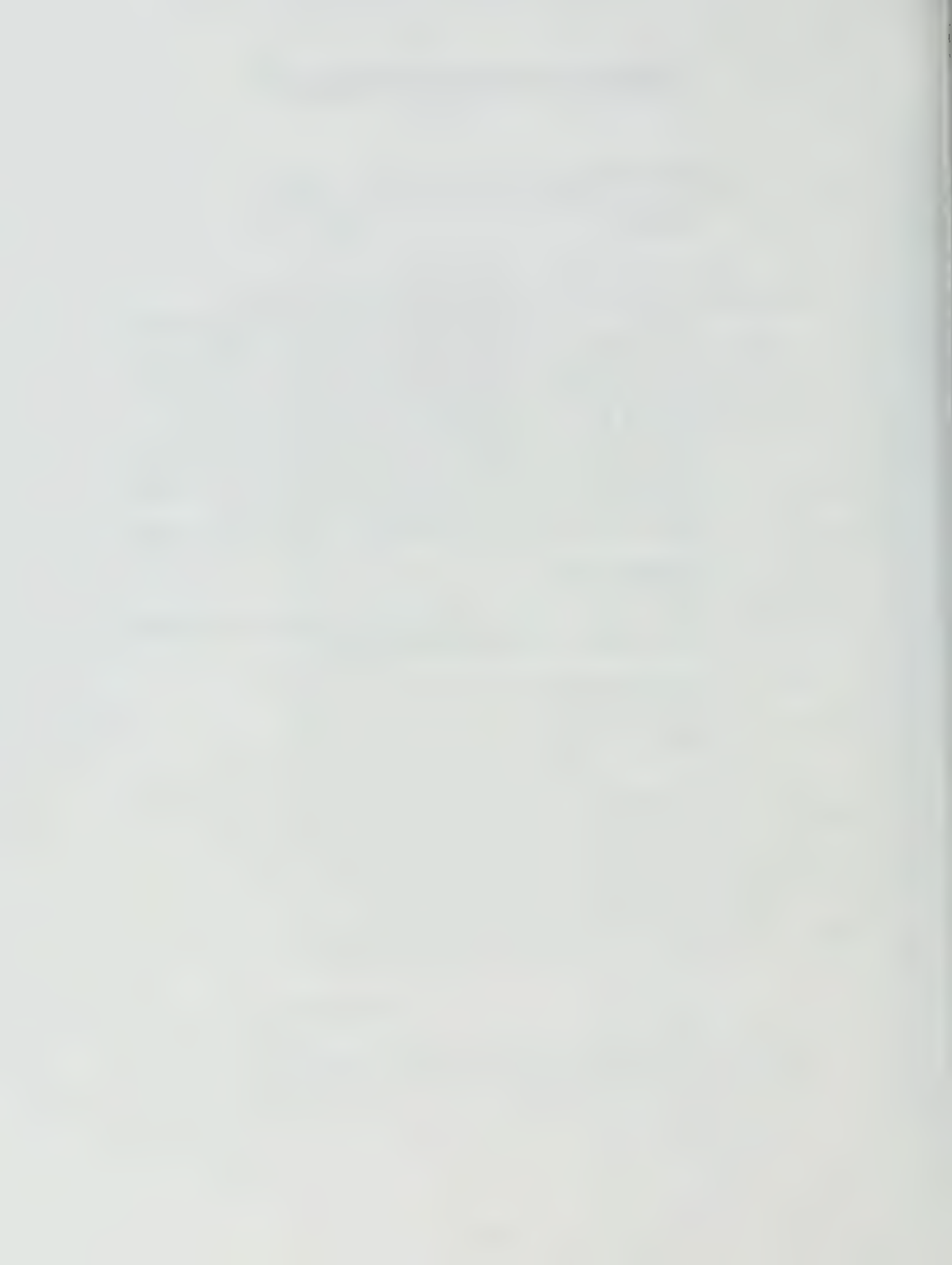
Finding (12) During our review of the City and County web pages for documents, we observed that several of the agencies did not have a web page. The recent changes to Administrative Code, Section 67, include direction regarding placement of information on the Internet, specifically Sections 67.9, 67.21-1, 67.29, and 67.29-2. While this is not within the scope of our review, we thought we would compile the statistics and forward them for information to the Sunshine Task Force since we had the data at hand. The statistics are presented in Table 2. These data only indicate that an agency is in some way mentioned on a web page; we intend no endorsement or criticism of the adequacy of information presented.

Recommendation

We recommend that the Task Force discuss Table 2 and the issue of web pages at one of their public meetings.

Required Response

None.



NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

INTRODUCTION

A typical entry in Table 1 would look like this:

Department/ Board/ Commission, etc.	Charter/ Code Citation	Report(s)	Current Report?	Clerk, Brd of Supervisors Files	Doc. Desk Library Files	Web/ Other
typical agency name	XY, Z.123 (citation that requires the report or lists agency duties)	report frequency <to whom report is required to be sent>	is there a current report available	(the date of the report found in the files)	(in bold/italic if out of date or not found)	notes regarding reports on web, or other notes

The first column lists the agency name. The next column lists any report requirements or the part of the Municipal Code where the agency duties are identified. Regarding Annual Report requirements, the requirement for the report is first listed, then in parentheses the part of the Code is listed that makes the report requirement applicable to the given department. For instance, Administrative Code, Section 2A.30 applies to departments and elected officials, so 2A.30 would be cited, then in parentheses the part of the Code would be cited that indicates that agency is either a department or elected official. A similar method applies for boards and commissions.

The report column lists the frequency of the report, or that no report is necessary, and the brackets list the required recipients, if any. The next column notes whether or not a current version of the report is available. Given the large number of reports reviewed, we did not attempt to contact each department regarding its reports; this information typically is obtained through a copy of the report found either at the Public Library or in the Clerk's files, unless we had the opportunity to ask a given department during the course of this or other Civil Grand Jury investigations. A given report may be available for public review in the agency's public reading files. However, regarding compliance with Administrative Code, Section 8.16, the availability of a current version of a report is not as important as whether or not a report is also available in the Clerk's files or at the Public Library.

Shaded boxes indicate probable noncompliance with Municipal Code requirements. A report that was not found was noted as **no report found** and the box shaded. For reports that were found, but were not current, the date was identified in **bold italics** and the box again shaded.

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TABLE 1

Boxes where lettering is in ***bold italic***, but the box is not shaded, indicate:

- a report was found to be out of date, but no requirement could be found that caused the report to be issued in the first place. Several agencies appear to not be required to issue reports, but nevertheless have elected to do so. In the cases where such reports were found, we have elected to document them.
- or, the report may have been received but subsequently sent to storage or discarded in accordance with document retention guidelines. This only would apply to the Clerk's files, since the Public Library typically moves older material to the stacks.

The following observations also should be made.

- (1) An entry of "None required" is in reference only to the specific citation; it does not mean that the agency is not responsible for issuing other reports or that Administrative Code, Section 8.16 does not apply to that agency in other regards. A citation associated with "None required" usually is the place in the Code, Ordinance or Resolution where the agency's duties are identified; "None required" only means that those identified duties do not include any report requirements. For example, Table 1 does not include any submittal requirements relative to Administrative Code, Section 18.13. Departments are required to make reports in response to Section 18.13 when certain overtime conditions are met. If those overtime conditions are not met, then no report is made. However, if such reports are made, they should be considered "official published reports" and copies sent to the Public Library. Report requirements that apply to agencies, but which are not included in our review, are:
 - Administrative Code, Section 1.30 (contracts for hazardous material removal)
 - Administrative Code, Section 1.57 (quarterly workers compensation reports by all departments to Risk Manager)
 - Administrative Code, Sections 10.79 – 10.205 (various fund reports)
 - Administrative Code, Section 16.6 (department/board/commission annual reports regarding professional memberships)
 - Administrative Code, Section 17.14 (parking facilities rates and charges)
 - Administrative Code, Section 18.13 (overtime)
 - Administrative Code, Section 23.25 (lease reporting)

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

- Administrative Code, Section 33.7(b) (quarterly reports by all agencies to the Human Resources Department)
 - Administrative Code, Section 39.6 (Integrated Pest Management Program)
 - Administrative Code, Section 58.5 (department/board/commission annual reports regarding conflict of interest to Ethics Commission)
 - Business and Tax Regulations Code, Section 515.01(d)(5) (cultural center annual reports to Arts Commission)
- (2) We attempted to be thorough in our review of report requirements, but there is a possibility that additional report requirements have been overlooked due to wording or location in the Municipal Codes (e.g., in the middle of a long paragraph, with no identification that the paragraph contains such a requirement). However, given the scope of our review, it is unlikely that any overlooked report requirements would have any material impact on the conclusions of this report.
- (3) An agency without a current report may actually no longer be in existence, or may temporarily not be convened. A good example of a defunct agency that had report requirements is the Electronic Information Processing Steering Committee. A good example of an agency currently not convened is the Advisory Committee on Adult Detention. We have attempted where possible to document whether or not an agency is defunct, but sometimes this information is difficult to find. We note that Supervisor Barbara Kaufman has undertaken to review, and revise as necessary, the Administrative Code to among other things eliminate defunct agencies and report requirements no longer needed. This review is to a large extent a thankless task, and we commend Supervisor Kaufman for assuming the responsibility. Several of the report requirements originally identified for this report have subsequently been modified or deleted by her efforts (e.g., reports previously required of the Housing Authority); instances such as these are noted by strikethrough of the requirement.
- We have kept defunct agencies in our review in order to develop a more complete study of compliance with Section 8.16. Even if an agency is now defunct, any reports that agency sent to the Public Library still should be available for review. This may not be the case for the Board of Supervisors Clerk's Office files, as discussed in Item 7 below.
- (4) This report does not address any relative usefulness of the required reports. If an agency disagrees with either the need for the report, the content requirements or the assignment of report responsibility to them,

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

then that agency should initiate discussions with the Board of Supervisors or the City Attorney's Office.

- (5) We have attempted to stay abreast of revisions to the Municipal Code, but there is the possibility that changes will occur while this report is in routing for review and publication.
- (6) There is the possibility that we did not recognize that a given report we reviewed at either the Documents Desk of the Public Library or the Clerk of the Board of Supervisors Office in fact fulfilled one of the report requirements. If a relatively long report (e.g., an Annual Report), contained material responsive to another requirement, but did not state this in the report, then it is possible we did not credit the report with fulfilling another report obligation.
- (7) There were several limitations to our review of the Clerk's Office files. The Clerk's office only keeps several past years of material on-hand in the files; older material is either sent to document storage or discarded in accordance with Administrative Code Sections 8.3 and 8.4. In addition, the Clerk's Office only began filing all Annual Reports together in a separate file beginning in 1996. Therefore, reports older than three years ago were not necessarily available at the Clerk's Office for review. However, this should only impact agencies without current reports.

Also, due to possible confidentiality of some of the material in the Clerk's Office files, unlimited access was not possible. We first reviewed the log of incoming correspondence to the Clerk's Office, then requested to review the material that appeared responsive to the various report requirements. It is possible that a title as noted in the log was not truly indicative of the nature of the report; however, we note that the log generally used the same title as on the reports and, therefore, this would be more a consequence of the originating agency than of the Clerk's staff.

Lastly, it is also possible that an agency sent a report directly to individual Supervisors, bypassing the Clerk's Office. In these cases, the Clerk of the Board would have no record of the report nor would a copy be in the Clerk's files.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Abatement Appeals Board	(see Building Inspection Commission)	Not Applicable (N/A) (typ.)	N/A	N/A	N/A	
Academy of Sciences	C, 16.105	Annual (financial statement) <M, BdS>	unknown	no report found	85/86 (Annual & finance info)	
Department of Administrative Services (City Administrator)	AC, 2A.30 (C, 3.104; C, 4.129 exec branch)	Annual [{M, BdS}] ⁴	unknown	no report found	81/82	
following depts. report to Admin. but have own entries in Table:	(per City Administrator, each Admin. Svcs dept. responsible for own Annual Report)					
• Agriculture/ Weights and Measures	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
• Animal Care and Control	AC, 32.54	Biannual (loans) <BdS>	unknown	no report found	no report found	
• Convention Facilities	AC, 40.19(e)	Biannual (loans) <BdS>	unknown	no report found	no report found	
• County Clerk	AC, 67.29	Biannual <Sunshine Taskforce>	No – enacted 1999	N/A		
• Elections	AC, 85.7(h)	Annual <BdS>	unknown	no report found	no report found	
• Medical Examiner	AC, 10.98- 1(c)(3)	Biannual (graffiti) <BdS>	unknown	no report found	no report found	see also Graffiti Adv. Bd.
• Public Administrator/ Public Guardian						
• Purchasing						
• Real Property						
• Risk Management						
• Solid Waste Department						
• County Veterans Service Office						

¹ Res. = SF Board of Supervisors Resolution; Ord. = SF Board of Supervisors Ordinance
SF Municipal Code: AC = Administrative Code; B = Building Code; BTC = Business and Tax
Regulations Code; CGC = Campaign and Governmental Conduct Code; C = Charter; E = Elections Code;
F = Fire Code; H = Health Code; HS = Housing Code; P = Park Code; PL = Planning Code; PO = Police
Code; PW = Public Works Code; SU = Subdivision Code; T = Traffic Code
California State Code: EC = Education Code; GC = Government Code; HSC = Health and Safety Code;
PC = Penal Code; PU = Public Utilities Code; RTC = Revenue and Taxation Code; SHC = Street and
Highway Code; WI = Welfare and Institutions Code

² M = Mayor; BdS = Board of Supervisors; AG = State Attorney General; CA = State of California; DA =
District Attorney

³ See Introduction to Table 1 for caveats regarding “no report found.”

⁴ AC, 2A.30 does not specify any recipients; M and BdS are assumed to be Annual Report recipients.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Adult Day Health Care Planning Council	AC, 44.7	None required	N/A	N/A	N/A	
Advisory Committee on Adult Detention	AC, 13.74, 13.75	Annual (facility inspection) <BdS, Sheriff, AG, etc.>	NO	1994	1968	currently not conven- ed
Adult Probation Department ⁵	C, 7.101 (judicial branch)	None required	unknown	95/96	95/96	
Affordable Housing and House Ownership Bond Program	AC, 81.7	Annual (report by Mayor's Office of Housing) <BdS>	N/A	N/A	N/A	
Task Force on African-American Participation	Res. 739-93	Final report only <BdS>	N/A	no report found⁶	no report found	DEFUNCT
Advisory Council to the Commission on the Aging	AC, 5.54	None required	N/A	N/A	N/A – but have 79/80	
Commission on the Aging ⁷	AC, 5.53(e)	Annual <BdS>	YES	no report found	98/99	
	C, 4.103; AC, 1.56 (C, 4.120 exec commission)	Annual or Annual Statement of Purpose	assumed covered by above	N/A	N/A	
Agriculture/ Weights and Measures (Dept. of Consumer Assurance, Regulatory Compliance and Agricultural Standards)	AC, 2A.30 (AC, 1.13-3, 2A.220 exec branch)	Annual [[M, BdS]] ⁴	YES	no report found	1998	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			

⁵ Not an executive branch unit; therefore, does not appear to fall under AC, 1.56 or 2A.30 Annual Report requirements. However, other Municipal Code sections may require Annual or other report(s).

⁶ BdS/Clerk's Office maintains correspondence for 3 years, then sends it to storage; it is possible that the Clerk's Office received the report, but has sent it to storage.

⁷ Board/Commission is specifically identified in Mayor's annual proposed budget.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Airports Commission ⁷	C, 4.103; AC, 1.56 (C, 4.115; AC, 2A.170, exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Airport Department	AC, 2A.30 (AC, 2A.171 exec branch)	Annual [(M, BdS)] ⁴	YES	1995	1999	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Airport Noise Committee	Res. 580-87	Annual <M, BdS>	unknown	no report found	no report found	
City-Wide Alcoholism Advisory Board ⁸	HSC, 11805	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (part of Drug Adv. Bd., exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Animal Care and Control Department	AC, 2A.30 (H, 41.5 exec branch)	Annual [(M, BdS)] ⁴	unknown	no report found	no report found	
	H, 41.5	None required	N/A	N/A	N/A	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Commission of Animal Control and Welfare ⁹	H, 41.3	Quarterly <BdS>	unknown	no report found	no report found	
	C, 4.103; AC, 1.56 (H, 41.3 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Board of (Permit) Appeals ⁷	C, 4.103; AC, 1.56 (C, 4.106 exec board)	Annual or Annual Statement of Purpose	YES	94/95	98/99	
Area Loan Committee (rehab loans)	AC, 32.33, 40.14	None required	N/A	N/A	N/A	

⁸ Board/Commission is not identified in Mayor's annual proposed budget; no associated department is identified in proposed budget either.

⁹ Board/Commission is not identified in Mayor's annual proposed budget; associated dept. is identified in proposed budget.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Area Rent Committee (residential rehabilitation)	AC, 32.34	None required	N/A	N/A	N/A	
Art Commission ⁷	C, 4.103; AC, 1.56 (C, 5.103; AC, 2A.150 exec commission)	Annual or Annual Statement of Purpose	YES	98/99	97/98	
Asian Art Museum and Commission ⁷	C, 4.103; AC, 1.56 (C, 5.104 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	92/93	
	AC, 28.14	None required	N/A	N/A	N/A	
Assessment Appeals Board ^{5,8} (Tax Appeals Board)	AC, 2B.16 (legislative branch)	Summaries, recommen- dations <Clerk/BdS>	YES	many Journals of Pro- ceedings	many Journals of Pro- ceedings	
	RTC, 1614		YES	2/2000 changes	2/2000 changes	
Assessor/ Recorder	AC, 2A.30 (C, 6.101 elective officer)	Annual [M, BdS] ⁴	unknown	no report found	89/90	
	AC, 10.2	Quarterly <BdS>	unknown	no report found	no report found	
	BTC, 1115.1(a)	Annual (delinq. tax) <BdS>	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Audit Advisory Committee (under Controller)	AC, 10.4, 10.4-2	Annual (recommen auditor) <BdS, Controller>	unknown	no report found	no report found	
Automatic Public Toilet Advisory Committee	Ord. 687-94 approved contract, which enacts Committee	None required	N/A	N/A	N/A	
Ballot Simplification Committee	E, 610	None required	N/A	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
BART	PU, 28770	Annual <BdS>	YES	96/97	1999	
Bicycle Advisory Committee	AC, 5.132	None required	N/A	N/A	N/A – but have 1992	
Board of Supervisors Clerk	AC, 2B.19 (not covered by C, 4.102/4.103 or AC, 2A.30 since are legislative)	Biennial report regarding assessment appeals <BdS>	unknown	3/2/98	no report found	req't deleted
	AC, 2B.17	Assessment Appeals reports <applicant/ Assmt Bd>	unknown	N/A	no reports found	(reply correctly notes no annual rpt, but AC 8.16 applies for other reports
Citizens' Bond Screening Committee	AC, 2.32	None required	N/A	N/A	N/A	DEFUNCT
Budget Office, Mayor's	AC, 88.9(a)(3), 88.9(b)(4)	One-time <M, BdS>	No – not yet in force			
Building Inspection Commission ⁹ (a.k.a. Abatement Appeals Board, Housing Advisory and Appeals Board)	C, 4.103; AC, 1.56 (C, 4.121, D3.750-1 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Building Inspection Department Bureau of Bldg. Inspection	HS, 204(f); AC, 2A.30 (C, D3.750-2 exec branch)	Annual <BdS>	YES	no report found	97/98 (and 98/99, 99/00 qtrly rpts)	
	B, 104.2.11	Triennial <Bldg Comm.>	unknown	N/A	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
	AC, 41.11(g)	Annual (costs) <BdS>	unknown	no report found	no report found	
	AC, 41.21(a)	Annual <BdS>	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Board of Examiners ⁹ Code Advisory Committee Access Appeals Commission ⁹ Abatement Appeals Board ⁹ (see Building Inspection Commission)	C, D3.750-4; B, 105.1	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (C, D3.750-4 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
	C, D3.750-4; B, 105.4	None required	N/A	N/A	N/A	
	C, D3.750-4; B, 105.3	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (C, D3.750-4 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
	C, D3.750-4; HS, 203; B, 105.2	N/A	N/A	N/A	N/A	
Dept. of Business and Economic Development	AC, 2A.30 (AC, 5.122 exec branch)	Annual [[M, BdS]] ⁴	No – new dept.			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Business Tax Board of Review ⁹	BTC, 6.14-1	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (BTC, 6.14-1 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Capital Improvement Advisory Committee	AC, 3.05(2), 3.05(5), 3.08	Annual, updated 6-yr plan <M, BdS>	YES	no report found	1997-2003	req't deleted
	AC, 3.20	None required	N/A	N/A	N/A	
CEDAW Task Force	AC, 12K.4(c)(1)	Biannual <M, BdS>	unknown	no report found	no report found	11/16/98, 5/18/99 reports on web
Central Safety Committee	AC, 16.121- 3(d)	Biannual <BdS>	unknown	no report found	no report found	
Central Suggestion Committee	AC, 16.143	None required	N/A	N/A	N/A	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Advisory Council to Mayor's Office of Child Care	AC, 20.62(f)	None required	N/A	N/A	N/A	
Child Care, Mayor's Office of	AC, 20.63	None required	N/A	N/A	N/A	
Child Care Planning and Advisory Council	AC, 5.200(c)(2), 5.200(c)(9), 5.200(c)(10)	Quintennial <BdS, School Supt.>	unknown	no report found	no report found	
Child Support Services	AC, 2A.30 (AC, 89 exec branch)	Annual [M, BdS] ⁴	No – new dept.			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Children and Families First Commission ⁸	AC, 86.2(c)	Any annual plan revisions <CA>	unknown	N/A	no report found	
	AC, 86.2(d)(2)	Annual audit and report <CA>	unknown	N/A	no report found	
	C, 4.103; AC, 1.56 (AC, 86.1 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Department of Children, Youth and Families	AC, 3.50	Annual <BdS>	YES	no report found	no report found	web has 00/02 Plan
	AC, 2A.30 (AC, 3.50 exec branch)	Annual [M, BdS] ⁴	assumed covered by above	N/A	N/A	
Citizens Advisory Committee (resident rehab areas)	AC, 32.31	None required	N/A	N/A	N/A	
Citizens Advisory Task Force for the Central Freeway	Res. 541-92	None required	N/A	N/A	N/A – but have prelim. report	
Citizens Award Committee	AC, 16.163	None required	N/A	N/A	N/A	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Citizen Complaints, Office of (reports to Police Commission)	AC, 2A.30 (C, 4.127 exec branch)	Annual [M, BdS]] ⁴	YES	1998	1998	1998
	C, 4.127	Monthly (summary) <no recipient noted>	unknown	no report found	no report found	
	C, 4.127	Quarterly (recommen- dations) <no recipient noted>	unknown	3rd quarter 1999	3rd quarter 1998	4th quarter 1998
	C, 4.127	Quarterly (statistics) <BdS>	unknown	3rd quarter 1999	3rd quarter 1998	4th quarter 1998
City Agency Task Force (lead abatement)	H, 1606	None required	N/A	N/A	N/A	
City Attorney	AC, 2A.30 (C, 6.102 elective officer)	Annual [M, BdS]] ⁴	NO	1996	1996	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
	AC, 33.7(c)	Monthly, Quarterly <Comm. on Status of Women>	unknown	N/A	City Atty states that rpts not published reports	(updated per reply)
	AC, 67.21(h)	Annual <Sunshine Task Force>	No – enacted 1999			
Civil Grand Jury	PC, 933 (judicial branch)	Annual <presiding judge, etc.>	YES	1998/99	1998/99	1998/99

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Civil Service Commission ⁷	C, 4.103; AC, 1.56 (C, 10.100 exec commission)	Annual or Annual Statement of Purpose	YES	1998/99	1998/99	
	AC, 16.9-24(e)	Annual (affirmative action) <M, BdS>	(updated per reply)			transfer to Human Resourced Dept.
	C, A8.403(a), A8.404(a), A8.405(a) & (b), A8.405(c) & (f), A8.409-3	Annual (survey) <BdS>	YES	96/97 (but also have 98/99 transit info)	contained in Comm. Mtg files in Library Doc. Sect.	(updated per reply)
Clean Air Advisory Committee	AC, 85.4	None required	N/A	N/A	N/A	
Community College District Governing Board ^{5,8} (a.k.a. City College and Board)	C, 8.101	unknown	unknown	no report found	88/89	
Community Development, Mayor's Office of	AC, 51A.3(e)	Biannual <BdS>	unknown	no report found	1998/99 annual report	req't deleted
Community Loan Board ⁸	AC, 35.61	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (AC, 35.61 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Citizens' Advisory Commission for Constitution Revision ⁸	AC, 16.6-8	None required	N/A	N/A	N/A	DEFUNCT
	C, 4.103; AC, 1.56 (AC, 16.6- 8 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Comprehensive Community Policing and Public Safety Strategy Task Force	Res. 660-95	None required (5-yr plan only, with updates as needed)	N/A	N/A	N/A	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Dept. of Consumer Assurance, Regulatory Compliance and Agricultural Standards	(see Agriculture/ Weights and Measures)	N/A	N/A	N/A	N/A	
Controller	H, 1635(d)	Annual - Lead Poisoning Fund Report <M, BdS, DPH>	unknown	no report found	no report found	
	PO, 660.4-1	Annual (charitable org finance) <AG, DA>	unknown	N/A	no report found	
	C, 3.105; AC, 2A.30 (AC, 2A.19 exec branch)	Annual [<M, BdS>] ⁴	YES	98/99	97/98	
	C, 9.116	Annual (goals) <M, BdS>	unknown	no report found	no report found	
	C, A8.409-4(d) (w/ bdtg analyst, M Bdtg Office)	Annual (3-yr joint report) <BdS>	YES	Report dated 3/3/00	no report found	Report dated 3/3/99
	AC, 1.19	Annual <BdS>	unknown	no report found	no report found	
	AC, 2.10	Annual <BdS>	YES	no report found	no report found	
	AC, 2.92(b)	Annual <BdS>	unknown	no report found	no report found	
	AC, 2A.19	Annual, 6- and 8- month, Quarterly, Monthly <M, BdS>	unknown	1998/99 6- and 8-month reports, and 2/8/00 6-mo. report	no reports found	1998/99 6- and 8- month reports
	AC, 3.16	Annual <M, BdS>	unknown	no report found	no report found	
	AC, 10.3-2	Annual <BdS>	unknown	no report found	no report found	
	AC, 10.6-1	Annual <BdS>	unknown	no report found	no report found	
	AC, 10A.2	Annual <BdS>	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Controller (continued)	AC, 11.44(a)	Biennial (franchises) <BdS>	unknown	no report found	no report found	
	AC, 88.19(b)	One-time <BdS>	No – not yet in force			
	H, 1175.4	Annual <BdS>	unknown	no report found	no report found	
	PO, 1137	Biennial <BdS>	YES	1999	no report found	
	PO, 2.2	Annual (fees) <BdS>	unknown	no report found	no report found	
	PL, 139(f)	Annual (Park Fund) <BdS>	unknown	no report found	no report found	
	F, 106.18	Annual (fire revenue) <BdS>	No – not yet in force			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Convention Facilities	AC, 2A.30 (AC, 10.201 exec branch)	Annual [{M, BdS}] ⁴	unknown	no report found	no report found	
	AC, 6.66	Quarterly (MBE/WBE) <BdS>	unknown	no report found	no report found	transfer from DPW
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
County Clerk	AC, 2A.30 (C, 4.131, "clerk" function still part of exec branch)	Annual [{M, BdS}] ⁴	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
County Transportation Authority (under Board of Supervisors)	Res. 347-89 Ord. 184-88	None required	N/A	N/A	N/A	
	PU, 131266, 131303	Annual budget and progress reports <no recipient noted>	YES	1998 Annual Report; did not find 99/00 budget	1998 Annual Report; 99/00 Budget	
County Transportation Authority Advisory Committee	PU, 131265(d)	None required	N/A	N/A	N/A	
Criminal Justice Council and Executive Committee (Mayor's Office)	Res. 412-82	None required	N/A	N/A	N/A	
Cryptosporidium Task Force	Res. 580-95	Final report only <BdS>	(PUC website also has a report)	no report found⁶	no report found	DEFUNCT
Delinquency Prevention Commission ⁸	AC, 20.50	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (AC, 20.50 exec commission)	Annual or Annual Statement of Purpose	YES	96/97	97/98	
Developmental Disabilities Area Board ^{5,8}	WI, 4605	Annual <CA>	unknown	N/A	no report found	
Digital Divide Task Force	Res. 271-00	Semiannual <BdS, Bd of Education>	No – enacted 2000			
Disability Access Advisory Committee	B, Att. C	None required	N/A	N/A	N/A	
Mayor's Disability Council	AC, 70.2(b)(9), (e)	None required	N/A	N/A	N/A	
Catastrophic Illness Program/Long Term Disability Task Force	Res. 199-99	Final report only <BdS>	N/A	7/9/99	no report found	
Disaster Council	AC, 7.4	None required	N/A	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
District Attorney	AC, 2A.30 (AC, 2A.70 exec branch; C, 6.103 elective officer)	Annual [(M, BdS)] ⁴	unknown	no report found	83/84	Bur. of Investigation 1998 avail.
	AC, 36-6	Annual (Witness Program) <BdS>	unknown	no report found	no report found	req't deleted (see P, 13020)
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Advisory Dogs Off-Leash Task Force	Res. 359-98	None required	N/A	N/A	N/A	
Domestic Violence Task Force	Res. 604-88	Annual <BdS>	unknown	no report found	no report found	
Drug Abuse Advisory Board ⁸	AC, 15.17	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (AC, 15.17 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Economic Opportunity Council of San Francisco	Res. 79-81	None required	N/A	N/A	N/A	
Elder Abuse Advisory Committee	Res. 1014-84	None required	N/A	N/A	N/A	DEFUNCT
Elder Abuse Reporting Task Force	Res. 322-92	Final report only <BdS>	N/A	no report found⁵	no report found	DEFUNCT
Citizens Advisory Committee on Elections	E, 720	Annual <M, BdS, Dir. Admin. Svcs>	unknown	no report found	1993	
Elections Department	AC, 2A.30 (C, 3.104(6); C, 13.104 exec branch)	Annual [(M, BdS)] ⁴	unknown	no report found	no report found	
	C, 13.110(d)	Decennial <BdS>	No – not yet in force			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Electrical Advisory Committee	B, Att. C	None required	N/A	N/A	N/A	
Electronic Information Processing Steering Committee	AC, 3.015	Annual <BdS>	unknown	no report found⁶	no report found	DEFUNCT
Dept. of Emergency Communications (Mayor's Office) ¹⁰	AC, 2A.30 (AC, 2A.200 exec branch)	Annual [(M, BdS)] ⁴	unknown	no report found (but have qtrly reports)	78/79	issues qtrly at BdS request
Emergency Medical Care Committee	Res. 463-69	None required	N/A	N/A	N/A	DEFUNCT
Emergency Services of San Francisco	AC, 2A.30 (AC, 7.6, 7.7 exec branch)	Annual [(M, BdS)] ⁴	NO	reply notes agency not dept; so, not required		(updated per reply)
Local Emergency Medical Care Committee	AC, 19A.15	None required	N/A	N/A	N/A	DEFUNCT
Commission on the Environment ⁹	C, 4.103; AC, 1.56 (C, 4.118 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
	AC, 21F.10	One-time <BdS>	No – not yet in force			
Department of the Environment (see also Solid Waste Management Program for associated reports)	AC, 2A.30 (C, 4.118 exec branch)	Annual [(M, BdS)] ⁴	YES	no report found	1998	
	AC, 39.6(g)	Biannual <Environ. Comm.>	unknown	N/A	no report found	
	AC, 39.6(g)	Annual <BdS>	unknown	no report found	no report found	1999 IPM Report
	AC, 39.8(c)	One-time <BdS>	unknown	no report found	no report found	
	AC, 82.7, 82.8(j)	One-time <BdS>	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			

¹⁰ Emergency Services Dept. stopped publishing an annual report in 1982, according to documentation in the Public Library card catalogue of an 11/23/82 phone call between that dept. and library staff.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Ethics Commission ⁷	C, 4.103; AC, 1.56 (C, 15.100 exec commission)	Annual or Annual Statement of Purpose	YES	96/97	97/98	1998
	C, C3.699-11(6)	Annual <BdS>	unknown	no report found	no report found	
	CGC, 2.140(e)	Quarterly (lobbyist info) <M, BdS>	unknown	no report found	6/30/97	reports on web
	AC, 16.528(f)	Annual <BdS>	unknown	no report found	no report found	req't deleted
	CGC, 1.520(d)	Quarterly (campaign consultants) <M, BdS>	unknown	no report found	no report found	reports on web
	CGC, 4.130	Annual (whistle-blower) <BdS>	responsibility just changed – no report yet			prev. was duty of Improper Govt Activities Unit
Advisory Committee to the Family Violence Advisory Council	AC, 5.190-5	None required	N/A	N/A	N/A	
Family Violence Advisory Council	AC, 5.190-6(c), 5.190-7	Annual (recommendations, etc.) <BdS>	YES	1/99 (and to be updated with 2000 report)	will be sent 2000 report	(updated per reply)
Farmer's Market Advisory Committee	AC, 9A.5	None required	N/A	N/A	N/A	
Film and Video Arts Commission ⁸	AC, 57.10	Annual <BdS>	unknown	no report found	no report found	
	C, 4.103; AC, 1.56 (AC, 57.10 exec commission)	Annual or Annual Statement of Purpose	assumed covered by report above	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
County Public Finance Authority	RTC 7288.2, Res. 48-93	None required	N/A	N/A	N/A	
Public Finance (Office of Mayor)	unknown	None required by SF Codes ¹¹	N/A	N/A – but have 1997	no report found	
Fine Arts Museums	AC, 2A.30 (AC, 2A.155 exec branch)	Annual [[M, BdS]] ⁴	unknown	no report found	85/87	
	C, 4.103; AC, 1.56 (C, 5.105 exec commission)	Annual or Annual Statement of Purpose	assumed covered by above	N/A	N/A	
Fire Commission ⁹	C, 4.103; AC, 1.56 (C, 4.108 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Fire Department	AC, 2A.30 (AC, 2A.90-96; C, 4.128 exec branch)	Annual [[M, BdS]] ⁴	unknown	96/97	91/92	
	HSC, 13146.1(c)	Annual (jails) <BdS, etc.>	YES	many individual reports	no reports found	
	F, 106.18	Annual (revenue) <Controller>	No – not yet in force			
	F, 107.1	Annual (liens) <BdS>	No – not yet in force			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
First Source Hiring Administration	AC, 83.6(b)(9)	Annual <M, BdS>	report to be issued after 6/30/00			(updated per reply)
Forensic Advisory Council (Mental Health Service)	AC, 15.11(d)	None required	N/A	N/A	N/A	DEFUNCT
General Hospital	after 1996, covered by DPH report	N/A	N/A	N/A	95/96	

¹¹ Not specifically identified in Municipal Codes, but are part of Mayor's Office. 1997 Report is in response to federal/state bond obligations.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Golden Gate Bridge Highway and Transportation District	SHC, 27122, 27124	None required	N/A	N/A – but have 98/99	N/A – but have 98/99	
Golden Gate Park Concourse Authority (GG Park)	Proposition J June 1998, Section 8 (AC, Appendix 41)	Quarterly <BdS, Rec and Park Comm.>	unknown	no report found	no report found	
Graffiti Advisory Board ⁸ (a.k.a. Graffiti Task Force)	AC, 5.172(a)	Biannual <M, BdS>	unknown	no report found	no report found	see also Admin. Svcs.
	C, 4.103; AC, 1.56 (AC, 5.172 exec board)	Annual or Annual Statement of Purpose	unknown – may be covered by above	no report found	no report found	
Grants for the Arts (Publicity and Advertising Fund)	BTC, 515.01(b)(6), (7), (8)	None required (see M, Vol. Arts Prog.)	N/A	N/A	N/A	website has some disburse- ment info
Hazardous Material Advisory Committee	H, 1103.2(e)	Annual <BdS, committee members>	YES	no report found	97/98	
Health Authority	AC, 69.3, Res. 408-94	None required	N/A	N/A	N/A – but have 1998	
Health Service System Board ⁸ (for SF employees)	C, 4.103; AC, 1.56 (C, 12.200 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	92/93	
HIV Health Services Planning Council	Fed. Public Law 101-381, 104-146, Section 2602(b)(2), (3)	None required	N/A	N/A	N/A	
HIV Prevention Planning Council	Dec. 1993 CDC Guidance Doc.	None required	N/A	N/A	N/A	
Advisory Task Force on Homelessness	Res. 685-92	Quarterly <BdS>	unknown	no report found	no report found	DEFUNCT
Housing, Mayor's Office of	AC, 50.12	Biannual <BdS>	unknown	no report found	no report found	
	AC, 81.7; Res. 143-94, I.C.	Annual (HOME Program) <BdS>	YES	1998	no report found	
	SU, 1343(8)	Quarterly (fund status) <BdS>	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Housing Advisory and Appeals Board ⁷ (= Abatement Appeals Board and Bldg Comm.)	HS, 203	see Building Inspection Department, Abatement Appeals Board	N/A	N/A	N/A	
Housing Authority	AC, 12.5(b)	Monthly <M, Controller>	unknown	N/A	no report found	req't deleted
	AC, 12.5(f)	Annual audit report <M, BdS, Controller, AG, etc.>	unknown	no report found	no report found	req't deleted
Housing (Authority) Commission ⁸	C, 4.103; AC, 1.56 (AC, 12.2 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	1987	web has lots of informa- tion
Human Resources Department	AC, 2A.30 (C, 10.102 exec branch)	Annual [<M, BdS>] ⁴	unknown	94/95	94/95	
	AC, 10.25- 12(c)	Quarterly (grievance settlements) <BdS>	YES	1/4/00 (for period ending 12/31/99)	no report found	
	AC, 16.9-24(e)	Annual (affirmative action) <M, BdS>	unknown	no report found	92/93	transfer from Civil Service Comm.
	AC, 16.9- 25(e)(1), 33.7(b)	Quarterly <Comm. Status Women>	YES	N/A	no report found	(Ann. Rpt notes qtrly reports made)
	AC, 16.9- 25(e)(2)	Annual <M, BdS, etc.>	YES	10/2/98 Annual Report	no report found	
	AC, 16.82(7)	Annual (worker comp.) <BdS>	unknown	no report found	no report found	
	AC, 20.59.12	Biannual <Hum. Svcs Comm.>	unknown	N/A	no report found	
	AC, 20.76.6(g)	Annual <Hum. Svcs Comm.>	unknown	N/A	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Human Resources Department (cont'd)	AC, 33.7(b)	Quarterly <Comm. Status of Women>	no – law recently enacted			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Advisory Council on Human Rights	AC, 12A.6	None required	N/A	N/A	N/A	
Human Rights Commission ⁷	AC, 12A.11	Quarterly <M, BdS>	unknown	no report found	no report found	
	AC, 12D.6(B)(2), 12D.A.6(B)(4)	Annual (changes) <BdS>	unknown	no report found	no report found	web only has list of vendors
	12D.A.10(C)(5)	Semiannual <BdS>	Enacted 2000			
	AC, 12D.15(B), 12D.A.18(A)	Quarterly <BdS>	YES	3/2/00	no report found	
	AC, 12D.15(C), 12D.A.18(B)	Annual <M, BdS>	YES	3/2/00	no report found	
	C, 4.103; AC, 1.56 (C, 4.108 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	84/85	
Human Services Commission ⁹	C, 4.103; AC, 1.56 (C, 4.111 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
	AC, 20.38-4	Monthly <BdS>	unknown	no report found	no report found	req't deleted
Human Services Department (a.k.a. Social Services Dept.)	AC, 2A.30 (AC, 20 exec branch)	Annual [M, BdS] ⁴	YES	98/99	98/99	web has lots of info
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Immigrant Rights Commission ⁸	AC, 5.201(d)(5)	Annual <M, BdS>	unknown	no report found	no report found	
	C, 4.103; AC, 1.56 (AC, 5.201 exec commission)	Annual or Annual Statement of Purpose	assumed covered by report above	N/A	N/A	
Improper Government Activities Unit	AC, 16.403	Biannual (whistle- blower) <BdS>	unknown	no report found	no report found	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Industrial Development Authority	AC, 42.22	Quarterly <BdS>	unknown	no report found	no report found	
	AC, 42.22	Annual <BdS>	unknown	no report found	no report found	
Industrial Waste Review Board ⁶	PW, 131	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (PW, 131 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Committee on Information Technology	AC, 3.24	None required	N/A	N/A	N/A	
In Home Supportive Services Public Authority	AC, 70.5	Annual <BdS>	unknown	no report found	96/97	
Interagency Domestic Violence Death Review Team	AC, 5.190-7	Annual (included as part of Family Violence Council report)	N/A	N/A	N/A	
Interdepartmental Staff Committee on Traffic and Transportation	T, 801(b)(6)	None required	N/A	N/A	N/A	
Internet Economic Impact Task Force	Res. 682-99	Biannual <BdS>	no – enacted 1999			
Japantown Peace Plaza Task Force	unknown	unknown	unknown	unknown	unknown	DEFUNCT
Annual Joint Fundraising Drive (Combined Char- ities Campaign)	AC, 16.93	Annual (drive success) <M, BdS>	YES	agency notes report sent	agency notes report sent	(updated per reply)
Joint Task Force on the HIV Epidemic	AC, 5.462(a)	Annual <M, BdS>	unknown	no report found⁶	no report found	DEFUNCT
	AC, 5.462(e)	Quarterly <M, BdS, etc.>	unknown	no report found⁶	no report found	
Juvenile Court ⁵	unknown (legislative branch)	None required	unknown	no report found	1989	
	WI, 209	Annual (juv. hall)	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Juvenile Justice Commission ^{5,8} (under Superior Court)	WI, 229	annual (juv. hall inspection) <Juvenile Ct, Bd of Correctns>	unknown	1995	1992	
Juvenile Probation Commission ⁹	C, 4.103; AC, 1.56 (C, 7.102 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Juvenile Probation Department (a.k.a. Youth Guidance Center)	AC, 2A.30 (C, 7.102 exec. branch)	Annual [M, BdS] ⁴	YES	97/98 (combined)	97/98 (combined)	
Landmarks Preservation Advisory Board ⁸	PL, 1003	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (PL, 1003 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Laguna Honda	after 1996, covered by DPH report	N/A	N/A	N/A	94/95	
Childhood Lead Prevention Program	AC, 72.2	None required	N/A	N/A	N/A	
	H, 1609	Annual (report made by DPH) <BdS>	N/A	N/A	N/A	
Lead Hazard Reduction Citizens Advisory Committee	H, 1608(a)(ii)	Annual <BdS>	unknown	no report found	no report found	
Lead Poisoning Prevention Citizens Advisory Committee	H, 1607(c)(1)	Annual <BdS>	unknown	no report found	94/95	
Lesbian/Gay/ Bisexual/Trans- gender/Queer and Questioning Youth Task Force	AC, 12N	None required	N/A	N/A	N/A	
	AC, 30.02	Final report only <BdS>	N/A	no report found (report due by 6/30/99)	no report found	req't deleted

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Law Library ⁵	C, 8.103 (judicial branch)	None required	unknown	94/95	87/88	
Bay Area Library and Information System Advisory Board ⁸	EC, 18747, 18749	None required	N/A	N/A	N/A	
	GC, 26909	Annual (finance) <BdS>	YES	98/99	98/99	(updated per reply)
Public Library Commission ⁹	C, 4.103; AC, 1.56 (C, 8.102 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Public Library Department	AC, 2A.30 (C, 8.102 exec branch)	Annual [[M, BdS]] ⁴	YES	98/99	98/99	(updated per reply)
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			web has several other rpts
Living Wage Task Force	Res. 991-98	None required	N/A	N/A	N/A	DEFUNCT
Local Homeless Coordinating Board ⁸	Res. 827-97	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (Res. 827- 97 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Long Term Care Pilot Project Task Force	Res. 1024-96, 187-97	None required	N/A	N/A	N/A	
Maternal, Child and Adolescent Health Board ⁸	Res. 664-82	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (Res. 664- 82 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Mayor	C, 9.101	Annual (budget) <BdS>	YES	1999/2000	1999/ 2000	1999/ 2000 (summary)
- Film and Video Arts Comm. - Off. of Emergency Communications - Off. of Legislative Affairs - Grants for the Arts - Off. of Community Development - Off. of Housing - Off. of Child Care - Off. of Neighborhood Services - Off. of Budget - Public Finance - Private Industry Council - Criminal Justice Council	AC, 12D.8, 12D.A.8(1)	Annual <all City depts>	unknown	no report found	no report found	
	AC, 51.03(c)	biannual (Vol. Arts Contr. Prog) <BdS>	unknown	no report found	no report found	
	C, 16.108(f)	Children's Services Plan <BdS>	YES	no report found	no report found	see Dept. Children/ Youth/ Families
	AC, 50.12; AC, 81.7; Res. 143-94, I.C.; SU, 1343(8)	(see Off. of Housing)				
	AC, 3.50	(see Dept. Children, Youth and Families)				
	AC, 2A.30 (AC, 2A.200 exec branch)	(see Off. of Emergency Cmmnctns)				
	unknown	(see Off. of Public Finance)				
Medical Examiner/ Coroner	AC, 2A.30 (AC, 10.117-3.1, 16.3-6 exec branch)	Annual [M, BdS] ⁴	YES	97/98	97/98	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Mental Health Board⁵ (part of Mental Health Service)	AC, 15.14(6)	Annual <BdS>	YES	1999	1999	(updated per reply)
	C, 4.103; AC, 1.56 (AC, 15.14 exec board)	Annual or Annual Statement of Purpose	assumed covered by above report	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Mental Health Service	AC, 15.11(d)	Annual (by DPH director) <BdS>	N/A	N/A	N/A	
Metropolitan Transportation Commission ^{5,8}	GC, 66503, 66513	None required	N/A	N/A	N/A	
	PU, 131202	Annual <no recipient noted>	not made to SF agencies	N/A	N/A, but have 98/99, and many other repts	(updated per reply)
Metropolitan Transportation Commission Advisory Committee	PU, 131051(g), 131200(a)	None required	N/A	N/A	N/A	
Mission Bay Hazardous Material Investigation and Remediation Program Citizens Advisory Committee	AC, 5.143(d)	Biannual <BdS>	unknown	no report found	no report found	DEFUNCT
Municipal Government Survey Advisory Committee	AC, 16.4	None required	N/A	N/A	N/A	probably defunct
Municipal Transportation Agency	AC, 2A.30 (AC, 8A.102(g), exec. branch)	Annual [(M, BdS)] ⁴	No – not yet in force			
	AC, 8A.106	Annual <M, BdS>	No – not yet in force			
Municipal Transportation Agency Citizen's Advisory Committee	C, 8A.111	None required	N/A	N/A	N/A	
National Service Blue Ribbon Commission ⁸	Res. 300-93	Annual <BdS>	unknown	no report found	no report found	
	C, 4.103; AC, 1.56 (Res. 300- 93 exec commission)	Annual or Annual Statement of Purpose	assumed covered by above report	N/A	N/A	
National Guard Advisory Council	AC, 5.113	None required	N/A	N/A	N/A	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Newsrack Advisory Committee	PW, 184.12(d)(5)	None required	N/A	N/A	N/A	
Nonprofit Performing Arts Loan Program	AC, 50.12	Biannual (by Mayor's Office of Housing) <BdS>	N/A	N/A	N/A	
Paratransit Coordinating Council	None – enacted by PUC and PTC	None required	N/A	N/A	N/A	
Park and Open Space Advisory Committee	AC, 5.91 C, 16.107(g)	None required	N/A	N/A	N/A	
Parking Authority	AC, 17.5	Annual (report made by Parking and Traffic Commissn) <BdS>	N/A	N/A	N/A	
	AC, 17.11(a)	One-time <BdS>	No – not yet in force			
	PW, 250.242	Annual (can also be submitted by PUC) <BdS>	unknown – PUC notes reg out of date – referred to city atty	no report found	no report found	
Parking and Traffic Commission ⁷	C, 4.103; AC, 1.56 (C, 4.116 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
	C, 8A.112	One-time <M, BdS>	No – enacted 1999			
	AC 17.4	Annual (budget) <BdS>	unknown	no report found	no report found	
	AC, 17.5	Annual (incl. Parking Authority) <BdS>	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Parking and Traffic Department	AC, 2A.30 (AC, 2A.180 exec branch)	Annual [[M, BdS]] ⁴	YES	97/98	98/99	web has some statistics
	T, 48.1	Biannual (accidents) <BdS>	unknown	no report found	no report found	
	T, 806(m)	Annual (street fair costs, with Police) <BdS>	unknown	no report found	no report found	
	AC, 10C.12	Quarterly (with Police) <BdS>	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
	Res. 892-98 (Valencia St. bicycle lanes)	6-month and 1-year reports	YES	6-month report (12/21/99)	no report found	
Board of Parole Commissioners ^{5,8} (a.k.a. County Parole Board)	PC, 3076	None required	N/A	N/A	N/A	
Mayor's Council on Physical Fitness and Sports	AC, 4.34	None required	N/A	N/A	N/A	DEFUNCT
Planning Commission ⁹	C, 4.103; AC, 1.56 (C, 4.105 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Planning Department	AC, 2A.30 (AC, 2A.51 exec branch)	Annual [<M, BdS>] ⁴	unknown	95/96	95/96	
	PL, 313.13	Annual (affordable housing) <BdS>	YES	no report found	98/99	
	PL, 701.2	Biennial (comm. zones) <BdS>	unknown	no report found	no report found	
	AC, 10E.2	Annual <M, BdS>	unknown	no report found	no report found	may be satisfied w/ yearly Comm. and Industry Inventory
	AC, 10E.3	Quintennial <M, BdS>	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Police Commission ⁹	C, 4.103; AC, 1.56 (C, 4.109 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
	C, 4.127	Annual (civilianize positions) <BdS>	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Police Department	AC, 2A.30 (AC, 2A.75-82; C, 4.127 exec branch)	Annual [(M, BdS)] ⁴	NO	no report found	93/94	dept notes they have quarterly report instead
	T, 109.1(f)	Quarterly (bicycle registration) <BdS, etc>	NO	no report found	no report found	
	T, 109.3(c)	Quarterly (bicycle fund) <BdS, etc>	NO	no report found	no report found	
	T, 100.1(d)(3)	Annual (skaters) <no recipient noted>	report req't sunset clause 12/31/99	no report found	no report found	(updated per reply)
	T, 806(m)	Annual (street fair) <BdS>	NO	no report found	no report found	
	AC, 10C.12	Quarterly (with DPT) <BdS>	NO	no report found	no report found	
	PO, 2.2	Annual (fees) <Controller>	unknown	N/A	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Port Commission ⁹	C, 4.103; AC, 1.56 (C, 4.114 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	1998	web has Water- Front Plan
Private Industry Council (Office of Mayor)	CA Job Training Partnership Act/CA Family Economic Security Act	None required	N/A	N/A – but have 97/98	N/A – but have 97/98	
Task Force on Prostitution	Res. 940-93	Final report only <BdS>	N/A	March 1996 Final Report (note – also on web)	no report found	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Public Advisory Committee	B, Att. C	None required	N/A	N/A	N/A	
Public Administrator/ Public Guardian ¹²	AC, 2A.30 (C, 3.104(6) exec branch)	Annual [M, BdS] ⁴	unknown	no report found	82/83	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Public Defender	AC, 2A.30 (C, 6.104 elective officer)	Annual [M, BdS] ⁴	YES	no report found	91/92	97/98
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
(Public) Health Commission ³	C, 4.110; AC, 1.56 (C, 4.105 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	

¹² Public Administrator/Public Guardian Dept. stopped publishing an annual report after 82/83, according to documentation in the Public Library card catalogue of a 6/15/92 phone call between that dept. and library staff.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Public Health Department	H, 1103.3(b)	Monthly, <Hzd Mat'l Advisory Comm.>	unknown	N/A	no report found	
	H, 1609	Annual (Childhood Lead Prev. Program) <BdS>	YES	no report found	95/96	1998
	H, 1622	Biannual, lead tests <no recipient noted>	YES	no report found	no report found	91/97 data report
	T, 100.1(d)(3)	Annual (skaters) <no recipient noted>	unknown	no report found	no report found	report req't sunset clause 12/31/99
	AC, 2A.30 (C, 4.110 exec branch)	Annual [M, BdS] ⁴	YES	98/99	98/99	98/99
	AC, 15.11(d)	Annual (mental health) <BdS>	unknown	no report found	no report found	
	AC, 15.102	Annual (volunteers) <Risk Dept.>	unknown	N/A	no report found	
	H, 97.2, 291.11, 599(j), 609.3	Annual (delinq. liens)<BdS>	unknown	7/27/98	no report found	
	HSC, 459, 101045	Annual (jails) <BdS, etc.>	YES	May 1999	no report found	
	AC, 8.35(e)	Annual <M, BdS>	unknown	no report found	no report found	
	H, 1175.4	Annual (fees) <Controller>	unknown	N/A	no report found	
	AC, 20.25-1	Annual <BdS>	unknown	no report found	no report found	
	AC, 20.56.15(c)	Annual <BdS>	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Public Transportation Commission ⁹ (MUNI)	C, 4.103; AC, 1.56 (C, 4.117 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Public Transportation Department (MUNI)	AC, 2A.30 (C, 4.117 exec branch)	Annual [{M, BdS}] ⁴	YES	97/98, and 99/09 Transit Plan	97/98, and 99/09 Transit Plan	99/09 Short- Range Plan
	T, 100.1(d)(3)	Annual (skaters) <no recipient noted>	YES	Final Report	Final Report (updated per reply)	report req't sunset clause 12/31/99
	AC, 10.191(d)	Annual <M, BdS, etc.>	NO	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
	AC, 8.29(d)	Annual (video fund) <M, BdS>	unknown	no report found	no report found	transfer from PUC
	PW, 250.242	Annual (done by Parking Authority?) <BdS>	unknown – see note for Parking Authority	no report found	no report found	transfer from PUC
Public Utilities Commission (includes Water, Hetch Hetchy) ⁷	AC, 2A.30 (AC, 2A.130 exec branch)	Annual [{M, BdS}] ⁴	YES	98/99	98/99	(updated per reply)
	C, 4.103; AC, 1.56 (C, 4.112 exec commission)	Annual or Annual Statement of Purpose	covered by AC, 2A.30	N/A	N/A	
	PW, 250.242	Annual <BdS>	(updated per reply)	N/A	N/A	transfer to Public Transportation Dept.
	PW, 1203(c)	Annual (water) <BdS, DPH, Fire, etc.>	None yet – Master Plan on hold			(updated per reply)
	AC, 8.29(d)	Annual (video fund) <M, BdS>	(updated per reply)	N/A	N/A	transfer to Publ. Transp.
	AC, 11.44(b)	Biennial (franchise) <BdS>	No – enacted 3/2000			

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Public Works	AC, 2A.30 (AC, 2A.190; C, 3.104; C, 4.130 exec branch)	Annual [[M, BdS]] ⁴	YES	98/99	98/99	web has 5-year Plan
	PW, 174.9	Annual (delinquencies) <BdS>	NO	no report found	no report found	No delinquencies to report yet
	PW, 2.4.45	Triennial (street damage) <BdS>	YES	12/20/99	12/20/99	(updated per reply)
	AC, 6.20(B), 6.60(E), 6.64	Quarterly (MBE/WBE) <BdS>	NO	to be submitted by 6/30/00	to be submitted by 6/30/00	
	PW, 184.12(f)(3)(D)	one-time report <BdS>	not yet implemented	submitted after implementation		
	PW, 250.260(n)	Annual <BdS>	no maint. districts as yet	submitted when maint. dist. created		
	PW, 707	Quarterly (sidewalks) <BdS>	NO	to be submitted by 6/30/00	to be submitted by 6/30/00	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Purchasing	AC, 2A.30 (C, 4.129 exec branch)	Annual [[M, BdS]] ⁴	unknown	95/96 4th quarter (no annual)	94/95 4th quarter (no annual)	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Real Property	AC, 2A.30 (AC, 2A.110 exec branch)	Annual [[M, BdS]] ⁴	appears covered by 2A.110	N/A	N/A	
	AC, 2A.110	Annual (w/recommendations) <M, BdS, Controller>	YES	1999	1999	98-99 on web
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Recreation and Park Commission ⁷	C, 4.103; AC, 1.56 (C, 4.113 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	
Recreation and Park Department	AC, 2A.30 (AC, 2A.111 exec branch)	Annual (C, 16.107(d)(6) and 16.107(e) for content provisions) (AC, 5.91(b) for Advisory Committee input) [M, BdS]] ⁴	YES	no report found	94/95	97/98, and Open Space Prog. 98/99 also available
	P, 3.18	Quintennial (survey) <BdS>	No – not yet in force			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Redevelopment Agency	AC, 24.3	Quarterly <BdS>	YES	submitted to Finance Committee –will supply to Clerk	N/A – but will supply copies of reports voluntarily	(updated per reply)
Relocation Appeals Board ⁸	C, 4.103; AC, 1.56 (AC, 24B.6, 24.7 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	84/85	
Rent Stabilization and Arbitration Board ⁷	AC, 37.6(d)	Annual, CPI increase <no recipient noted>	YES	no report found	Fact Sheet #7/99	Fact Sheet #7/99
	AC, 37.6(f)	Biannual <M, BdS>	unknown	no report found	no report found	
	AC, 37.6(j)	Annual <M, BdS>	unknown	97/98	1981	
	AC, 37.6(k)	Monthly <DA>	unknown	N/A	no report found	
	C, 4.103; AC, 1.56 (AC, 37.6 exec board)	Annual or Annual Statement of Purpose	assumed covered by above report	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Residential Rehabilitation Loan Committee	AC, 40.15	None required	N/A	N/A	N/A	
Residential Users Appeals Board ⁸	PW, 149.1	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (PW, 149 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Retirement System Board ⁸	C, 4.103; AC, 1.56 (C, 12.100 exec board)	Annual or Annual Statement of Purpose	YES	97/98	97/98	
Risk Management	AC, 1.24	Quarterly <BdS>	unknown	no report found	no report found	
	AC, 2A.30 (AC, 10.75 exec branch)	Annual [M, BdS]] ⁴	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
	AC, 10.75	Annual (budget) <BdS>	unknown	no report found	no report found	
	AC, 16.83-3(d)	Biannual (workers comp.) <M, BdS>	unknown	no report found	no report found	req't deleted
	AC, 16.127	Annual (bond program) <BdS>	No – enacted 3/2000			
San Mateo Co.- City and County of San Francisco Task Force	Res. 876-82	None required	N/A	N/A	N/A	
Seismic Investigation and Hazard Survey Advisory Committee	B, 105.5.4	Annual <Bldg Comm.>	unknown	N/A	no report found	
Seismic Safety Retrofit Bond Program Board ⁸	AC, 66.6	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (AC, 66.6 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Seismic Safety Retrofit Bond Program Advisory Board ⁸	AC, 66.6(c)	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (AC, 66.6 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Senior Services Plan Task Force	Res. 244-92	Final report only	N/A	no report found⁶	no report found	DEFUNCT
Sheriff	AC 2A.30 (C, 6.105 elective officer)	Annual [[M, BdS]] ⁴	unknown	1995	1993	
	CA, Title XV, Section 1043, 1045	Annual (inmate welfare fund) <BdS>	YES	97/98	no report found	
	PC, 6031; WI, 209, 885 (see also DPH, Fire Dept.)	Biennial (jails) <BdS, etc.>	YES	12/22/98	no report found	this rpt issued by CA Bd of Crrections
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Shopping Cart Task Force	Res. 357-98	None required (final report only) <BdS>	YES	June 7, 1999 Final Report	no report found	
Skating Advisory Committee	AC, 5.212	None required	N/A	N/A	N/A	
Small Business Affairs, Mayor's Bureau for	AC, 5.122	None required	N/A	N/A	N/A	
Small Business Commission ⁹ (housed in Dept. of Business and Economic Development)	AC, 5.121	None required	N/A	N/A	N/A	
	AC, 5.122(b)(7)	Annual <M, BdS>	unknown	1997	no report found	req't deleted
	C, 4.103; AC, 1.56 (AC, 5.121 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
SF Unified School District Board of Education ^{5,7} (County Education Office)	C, 8.100	unknown	unknown	unknown	unknown	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Social Services Dept.	(see Human Services Dept.)	N/A	N/A	N/A	N/A	
Solid Waste Management Program	AC, 21A.16	Annual <BdS>	YES	97/98	97/98	
	Res. 207-87	One-time plan (haz. waste mgmt plan) <BdS>	YES	1998 (this is an update to the original plan)	no report found	
	AC, 21F.6(a)	One-time <Env. Comm.>	No – not yet in force			
	AC, 21F.8(a)	Pilot Project <Env. Comm.>	No – not yet in force			
	AC, 21F.9	Pilot Project Results <Env. Comm.>	No – not yet in force			
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Southeast Community Facility Commission ⁸	AC, 54.3	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (AC, 54.3 exec commission)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
SRO Hotel Safety and Stabilization Task Force	Res. 868-99	Progress and Final Reports	No – not yet in force			
State Legislation Committee	AC, 5.9	Day after each meeting <BdS>	unknown	no report found	no report found	
Street Artists and Craftsmen Examiners Advisory Committee (Arts Commission)	Ord. 87-72, 41-83	None required	N/A	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Street Utilities Coordinating Committee	AC, 5.60	None required	N/A	N/A	N/A	
Committee for Utility Liaison	AC, 5.63	None required	N/A	N/A	N/A	
Committee for Planning Utility Construction	AC, 5.63	None required	N/A	N/A	N/A	
Citizens Advisory Committee for Street Utility Construction	AC, 5.64	None required	N/A	N/A	N/A	
Structural Advisory Committee	B, 105.6	None required	N/A	N/A	N/A	
Sunshine Ordinance Task Force	AC, 67.21(h)	Annual <no recipient noted>	N/A	N/A	N/A	(rpt done by City Atty)
	AC, 67.30(c)	Annual <BdS>	unknown	95/96	no report found	
Sustainable Funding for School Arts and Music Task Force	Res. 1127-99	Plan and Final Report	No – not yet in force			
Sutro Tower Health and Safety Task Force	Res. 1068-99	Initial 2/5/00 and Semiannual <BdS>	unknown			
Tax Appeals Board ^{5,8} (= Assessment Appeals Board)	AC, 2B (legislative branch)	see Assessment Appeals Board	N/A	N/A	N/A	
Taxi Commission ⁸	C, 4.103; AC, 1.56 (C, 4.130 exec commission)	Annual or Annual Statement of Purpose	No – began duties in 1999			
Technical Advisory Committee	B, Att. C	None required	N/A	N/A	N/A	
Telecommuni- cations Commission ⁹	C, 4.103; AC, 1.56 (AC, 11.87 exec commission)	Annual or Annual Statement of Purpose	assumed covered by dept. report	N/A	N/A	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ⁴	Web/ Other
Telecommuni- cations and Information Services Department	AC, 2A.30 (AC, 11.86, exec branch)	Annual [M, BdS] ⁴	unknown	no report found	no report found	
	AC, 11.44(b)	Biennial (franchise compliance) <BdS>	unknown	no report found	no report found	prev. was duty of commis- sion
	AC, 22B.3	One-time <BdS>	unknown	no report found	no report found	
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Task Force on Transfer Benefits	AC, 16.9- 29(k)(4)	One-time <M, BdS>	unknown	no report found⁶	no report found	DEFUNCT
Transfer Tax Review Board ⁸	BTC, 1115.2	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (BTC, 1115 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Transgender Civil Rights Implementation Task Force	Res. 102-00	Quarterly for first year; final report <BdS>	No – enacted 2000			
Treasure Island Development Authority Citizens Advisory Board ⁸	Res. 89-99	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (Res. 89- 99 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Treasure Island Development Authority	Res. 380-97 (approved Treasure Island Bylaws), Art. VIII, Sect. 2	Annual <BdS>	unknown	no report found	no report found	
	Res. 380-97, Sect. 3	Quarterly <BdS>	unknown	no report found	no report found	
	Res. 43-98	None required (final report only) <BdS>	N/A	Final Report, March 1998	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Treasurer/Tax Collector	AC, 2A.30 (C, 6.106 elective officer)	Annual [M, BdS]] ⁴	YES	98/99	98/99	(updated per reply)
	AC, 10.42	Quarterly (claims) <BdS>	YES	1/10/00	March 2000	
	BTC, 906(B)(f), (C)(f); BTC 1005.6(f)	Annual (tax credit) <BdS>	YES	94-99	94-99	
	PW, 250.393	Annual (as needed) <BdS>	NO	no report found	no report found	reports will be prepared
	C, 16.120; AC, 88.4 (customer service plan)	Annual <BdS>	No – not yet in force			
Treasury Oversight Committee	Res. 125-97; AC, 10.79-5(b)	Annual (audit) <no recipient noted>	unknown	no report found	no report found	
Tree Advisory Board ⁸	PW, 803(c)(2)	Annual <DPW director>	unknown	N/A	no report found	DPW website has list
	C, 4.103; AC, 1.56 (PW, 803 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Trial Courts ⁵ (Superior and Municipal)	C, 7.100 (judicial branch)	None required	unknown	unknown	unknown – but have 97/98 data	
Unreinforced Masonry Building Appeals Board ⁸	B, 105.7	None required	N/A	N/A	N/A	
	C, 4.103; AC, 1.56 (B, 105.7 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	no report found	
Veterans' Affairs Commission ⁸	AC, 5.105	Annual <M, BdS>	unknown	no report found	no report found	
	C, 4.103; AC, 1.56 (B, 105.7 exec board)	Annual or Annual Statement of Purpose	assumed covered by above report	N/A	N/A	
County Veterans Service Officer	AC, 5.108.A- 2(d)	Biannual <BdS>	unknown	no report found	no report found	
	AC, 2A.30 (AC, 5.108.A-2(d) exec branch)	Annual [M, BdS]] ⁴	unknown	no report found	no report found	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Victim/Witness Assistance Program Policy Committee	AC, 36-3(d)	Annual/One- time? <no recipient noted>	unknown	no report found	no report found	DEFUNCT
	AC, 36-6	Annual (made by District Attorney)	N/A	N/A	N/A	
Victims of Violence Advisory Committee	AC, 36A-3	Annual <BdS>	unknown	no report found	no report found	DEFUNCT
Video Display Terminal Advisory Committee	H, 1303(f)	Annual <BdS, Public Health Comm.>	unknown	no report found	no report found	
	H, 1306	One-time report (recommend research) <BdS>	N/A	no report found	no report found	
Voluntary Arts Contributions Program	AC, 51.03(c)	Biannual (report made by Mayor) <BdS>	N/A	N/A	N/A	
War Memorial, Board of Trustees ⁷	C, 4.103; AC, 1.56 (C, 5.106 exec board)	Annual or Annual Statement of Purpose	unknown	no report found	83/84	
Citizens Advisory Committee on Wastewater Management	Res. 19-73	None required	N/A	N/A	N/A	
Water Pollution Control Committee	AC, 5-20	None required	N/A	N/A	N/A	DEFUNCT

NEGLECT OF REPORTING REQUIREMENTS

TABLE 1

Department/ Board/ Commission, etc.	Charter/ Code Citation ¹	Report(s) ²	Current Report?	Clerk/Brd of Supervisors Files ³	Doc. Desk Library Files ³	Web/ Other
Commission on the Status of Women ⁷	C, 4.103; AC, 1.56 (C, 4.119 exec commission)	Annual or Annual Statement of Purpose	YES	97/98	97/98	97/98 ¹³
	AC, 12K.3(b)(2)	One-time <BdS>	unknown	no report found	no report found	
	AC, 12K.3(b)(3)	One-time <BdS>	unknown	no report found	no report found	
	AC, 33.6	Biannual <M, BdS>	YES	98/99 Mid- Year Report	no report found	
Workers' Compensation Task Force	AC, 16.83-3(d)	Biannual (made by Risk Manager)	N/A	N/A	N/A	DEFUNCT
Workforce Development Advisory Committee	AC, 83.8	None required	N/A	N/A	N/A	
Youth Commission ⁵ (under BdS)	C, 4.124(g)	Annual <BdS>	YES	current copy as of 4/17/00	no report found	98/99
Youth and Children Services Contributions Program	AC, 51A.3(c)	Biannual (report by Mayor's Office of Community Develpmnt)	N/A	N/A	N/A	
Youth Guidance Center	(see Juvenile Probation Dept.)	N/A	N/A	N/A	N/A	

¹³ Web notes that 1997/98 Annual Report is available for purchase; full text not available.

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
Elected Departments		
Mayor	X	
Assessor/Recorder	X	
City Attorney	X	
District Attorney	X	
Public Defender	X	
Sheriff	X	
Treasurer/Tax Collector	X	
Legislative Bodies		
Board of Supervisors	X	
Clerk, Board of Supervisors	X	
Budget Analyst	X	
Legislative Analyst	X	
(following are under legislative, but listed elsewhere:		
Youth Commission		
Assessment Appeals Board		
County Transportation Authority)		
Judicial		
Adult Probation Department	X	
Civil Grand Jury	X	
Juvenile Court		X
Juvenile Justice Commission		X
Law Library	X	
Trial Courts	X	
Authorities/Agencies		
County Transportation Authority	X	
County Public Finance Authority		X
Golden Gate Concourse Authority		X
Health Authority		X
Housing Authority	X	
Industrial Development Authority		X

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
In Home Supportive Services Public Authority		X
Parking Authority		X
Redevelopment Agency	X	
Treasure Island Development Authority	X	
Executive Departments		
Mayor's Office of Budget		X
Child Care		X
Community Development	X	
Disability	X	
Economic Development	X	
Dept. of Emergency Communications	X	
Public Finance		X
Grants for the Arts	X	
Housing	X	
Legislative Affairs	X	
Neighborhood Services	X	
Bureau for Small Business Affairs		X
(following are under Mayor, but listed elsewhere:		
Criminal Justice Council and Executive Committee		
Film and Video Arts Commission		
Private Industry Council)		
Administrative Services Dept.	X	
Agriculture, Weights and Measures (a.k.a. Dept. of Consumer Assurance, Regulatory Compliance and Agriculture Standards)	X	
Airport Dept.	X	
Animal Care and Control Dept.	X	
Building Inspection Dept.	X	
Business and Economic Development		X
Child Support Services		X
Dept. of Children, Youth and Families	X	
Office of Citizen Complaints	X	
Controller	X	
Convention Facilities	X	
County Clerk	X	
Elections Dept.	X	
Emergency Services of San Francisco		X
Dept. of the Environment	X	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
Fine Arts Museums	X	
Fire Department	X	
Human Resources Dept.	X	
Human Services Dept. (a.k.a. Social Services Dept.)	X	
Juvenile Probation Dept. (a.k.a. Youth Guidance Center)		X
Public Library Dept.	X	
Medical Examiner/Coroner	X	
Municipal Transportation Agency	X	
Parking and Traffic Dept.	X	
Planning Dept.	X	
Police Dept.	X	
Public Administrator/Public Guardian	X	
Public Health Dept.	X	
Public Transportation Dept.	X	
Public Utility Depts	X	
Bureau of Commercial Land Management	X	
Bureau of Energy Conservation	X	
Bureau of Light, Heat and Power	X	
City Distribution Division	X	
Hetch Hetchy Water and Power	X	
Water Pollution Control	X	
Water Quality Bureau	X	
Water Supply and Treatment	X	
Public Works Dept.	X	
Purchasing	X	
Real Property	X	
Recreation and Park Dept.	X	
Risk Management Dept.	X	
Solid Waste Management Program	X	
Telecommunications and Information Services Department		X
County Veterans Service Officer	X	
Boards/Commissions		
CHARTER		
Access Appeals Commission (under Building Inspection Commission)	X	
Commission on the Aging	X	
Airports Commission	X	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
Board of (Permit) Appeals	X	
Art Commission	X	
Asian Art Museum and Commission	X	
Building Inspection Commission (a.k.a. Abatement Appeals Board, Housing Advisory and Appeals Board, Building Inspection Commission)	X	
Board of Examiners (under Building Inspection Commission)	X	
Civil Service Commission	X	
Commission on the Environment	X	
Ethics Commission	X	
Fire Commission	X	
Health Service System Board		X
Human Rights Commission	X	
Human Services Commission	X	
Juvenile Probation Commission		X
Public Library Commission	X	
Parking and Traffic Commission	X	
Planning Commission	X	
Police Commission	X	
Port Commission	X	
(Public) Health Commission	X	
Public Transportation Commission	X	
Public Utilities Commission	X	
Recreation and Park Commission	X	
Retirement System Board	X	
Taxi Commission	X	
War Memorial, Board of Trustees		X
Commission on the Status of Women	X	
Youth Commission	X	
NON-CHARTER		
Commission of Animal Control and Welfare		X
Assessment Appeals Board (a.k.a. Tax Appeals Board)	X	
Business Tax Board of Review	X	
Children and Families First Commission		X
Community Loan Board		X
Delinquency Prevention Commission	X	
Developmental Disabilities Area Board		X
Film and Video Art Commission	X	
Housing (Authority) Commission	X	

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
Immigrant Rights Commission	X	
Industrial Waste Review Board		X
Local Homeless Coordinating Board	X	
Maternal, Child and Adolescent Health Board		X
Mental Health Board (Mental Health Service)	X	
Metropolitan Transportation Commission	X	
National Blue Ribbon Commission		X
Board of Parole Commissioners		X
Relocation Appeals Board	X	
Rent Stabilization and Arbitration Board	X	
Residential Users Appeals Board		X
Seismic Safety Retrofit Bond Program Board		X
Small Business Commission	X	
Southeast Community Facility Commission		X
Telecommunications Commission	X	
Transfer Tax Review Board		X
Unreinforced Masonry Building Appeals Board	X	
Veteran's Affairs Commission	X	
Committees/Councils		
Adult Day Health Care Planning Council		X
Airport Noise Committee		X
Area Loan Committee		X
Area Rent Committee		X
Ballot Simplification Committee		X
Central Safety Committee		X
Criminal Justice Council and Executive Committee	X	
Mayor's Disability Council	X	
Disaster Council		X
Economic Opportunity Council of San Francisco		X
First Source Hiring Administration		X
HIV Health Services Planning Council		X
HIV Prevention Planning Council	X	
Committee on Information Technology		X
Annual Joint Fundraising Drive		X
Paratransit Coordinating Council	X	
Private Industry Council		X
Residential Rehabilitation Loan Committee		X

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
State Legislation Committee		X
Street Utilities Coordinating Committee		X
Interdepartmental Staff Committee on Traffic and Transportation		X
Committee for Utility Liaison		X
Committee for Planning Utility Construction		X
Treasury Oversight Committee		X
Advisory Commissions/Committees/Boards/Councils/Task Forces		
Advisory Committee on Adult Detention		X
Advisory Council to the Commission on the Aging		X
City-Wide Alcoholism Advisory Board		X
Audit Advisory Committee		X
Automatic Public Toilet Advisory Committee		X
Bicycle Advisory Committee	X	
Code Advisory Committee	X	
Capital Improvement Advisory Committee		X
CEDAW Task Force	X	
Advisory Council to Mayor's Office of Child Care		X
Child Care Planning and Advisory Council	X	
Citizens Advisory Committee		X
Citizens Advisory Task Force for the Central Freeway		X
City Agency Task Force		X
Clean Air Advisory Committee		X
County Transportation Authority Advisory Committee	X	
Digital Divide Task Force		X
Disability Access Advisory Committee		X
Catastrophic Illness Program/Long Term Disability Task Force		X
Advisory Dogs Off-Leash Task Force		X
Domestic Violence Task Force		X
Drug Abuse Advisory Board		X
Citizens Advisory Committee on Elections	X	
Electrical Advisory Committee		X
Advisory Committee to the Family Violence Advisory Council		X
Family Violence Advisory Council		X
Farmer's Market Advisory Committee		X
Graffiti Advisory Board		X
Hazardous Materials Advisory Committee		X

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
Advisory Council on Human Rights		X
Interagency Domestic Violence Death Review Team		X
Internet Economic Impact Task Force		X
Landmarks Preservation Advisory Board	X	
Lead Hazard Reduction Citizens Advisory Committee	X	
Lead Poisoning Prevention Citizens Advisory Committee	X	
Lesbian/Bay/Bisexual/Transgender/Queer and Questioning Youth Task Force	X	
Bay Area Library and Information System Advisory Board		X
Long Term Care Pilot Project Task Force		X
Metropolitan Transportation Commission Advisory Committee (see comment above at MTC; no link)		X
Municipal Transportation Agency Citizen's Advisory Committee		X
Newsrack Advisory Committee		X
Park and Open Space Advisory Committee		X
Public Advisory Committee		X
San Mateo County - City and County of San Francisco Task Force		X
Seismic Investigation and Hazard Survey Advisory Committee		X
Seismic Safety Retrofit Bond Program Advisory Board		X
Shopping Cart Task Force		X
Skating Advisory Committee		X
SRO Hotel Safety and Stabilization Task Force	X	
Street Artists and Craftsmen Examiners Advisory Committee		X
Citizens Advisory Committee for Street Utility Construction		X
Structural Advisory Committee		X
Sunshine Task Force	X	
Sustainable Funding for School Arts and Music Task Force		X
Sutro Tower Health and Safety Task Force		X
Technical Advisory Committee		X
Transgender Civil Rights Implementation Task Force		X
Treasure Island Development Authority Citizens Advisory Board		X
Tree Advisory Board		X
Video Display Terminal Advisory Committee		X
Citizens Advisory Committee on Wastewater Management	X	
Workforce Development Advisory Committee		X

NEGLECT OF REPORTING REQUIREMENTS

TABLE 2

ORGANIZATION	HAS WEB PAGE	NO WEB PAGE
Other		
Academy of Sciences	X	
Community College District Governing Board	X	
Golden Gate Bridge Highway Transportation District	X	
SF Unified School District Board of Education	X	

NEGLECT OF REPORTING REQUIREMENTS

APPENDIX A

REVIEW OF ANNUAL REPORT REGULATIONS

Requirements for preparation and filing of Annual Reports may be separated into: (1) board and commission Annual Reports; (2) executive department and elected official Annual Reports.

Annual Report Requirements for Boards and Commissions

Annual Report requirements for boards and commissions are contained in Charter Sections 4.100, 4.102 and 4.103, and Administrative Code Sections 1.56 and 8.16 (see Attachment 1 for texts).

Charter Section 4.103 specifies that each board and commission shall be required by ordinance to prepare an Annual Report either to be filed with the Mayor and Clerk of the Board of Supervisors or to be included in an Annual Statement of Purpose. Section 4.102 notes that an Annual Statement of Purpose would outline areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors.

Section 1.56 of the Administrative Code requires every board or commission to "prepare an annual report describing its activities as part of the Annual Statement of Purpose required under Charter Section 4.102(2). Therefore, Section 1.56 fulfills the requirement of Charter Section 4.103 to require "by ordinance" that Annual Reports be prepared.

However, there are several problems related to the current regulations.

- (1) Section 1.56 does not allow for the "either" option that Charter Section 4.103 allows. Charter Section 4.103 allows an Annual Report to be submitted either with or independently of an Annual Statement of Purpose. Section 1.56 mandates only that the Annual Report shall be part of the Annual Statement of Purpose. Section 1.56 should be revised to allow either option as noted in Charter Section 4.103.
- (2) Though the Charter and Administrative Code refer to an Annual Statement of Purpose, we did not find any document labeled "Annual Statement of Purpose" in any of our reviews for this report, including in the Mayor's proposed budgets for 1998-99 and 1999-00. Further, no one we interviewed knew of any agency that had ever submitted an "Annual Statement of Purpose."

NEGLECT OF REPORTING REQUIREMENTS

Personnel involved with the 1996 Charter revision indicated that there had been some thought that the "Annual Statement of Purpose" would be equivalent to the Mission and Goals Statements as required by Administrative Code, Section 3.5, which discusses preparation of the budget (see also Section 3.6 and Charter, Section 9.101 for other budget content requirements, Attachment 3). This would make sense, since there is a large degree of similarity between the contents requirements for the Annual Statement of Purpose and the Missions and Goals statements. Also, the Mission and Goals statements in the budget receive review and approval by the Mayor and the Board of Supervisors, which also is a requirement for the Annual Statement of Purpose.

Assuming the above is the case, then in a legal sense no agency currently is in compliance with Section 1.56, since no agency has submitted a report labeled "Annual Statement of Purpose," nor is there any item in the proposed budgets identified as an "Annual Statement of Purpose" or "Annual Report." However, the issue could be easily resolved if Section 1.56 were to be revised to note that the "Annual Statement of Purpose" and the Mission and Goals statements" were equivalent.

- (3) The Charter and Administrative Code sections do not specify that their requirements are applicable only to certain types of Boards and Commissions. There are 30 Boards and Commissions identified in the Charter and 26 non-Charter Boards and Commissions (see Table 2, which presents website information, but also identifies types of boards and commissions). There also are nine Advisory Boards and Commissions (including the Landmarks Preservation Advisory Board and Treasure Island Development Authority Advisory Board). For the purposes of this investigation, we assume that Annual Report requirements apply to all boards and commissions, including the advisory boards and commissions. However, since advisory boards and commissions do not necessarily have support staff for such an effort, consideration should be given to inserting clarifying text in the appropriate sections of the Municipal Code.
- (3) Regulations do not address Annual Report responsibilities in those instances where there is both a department and an associated commission or board (e.g., the Public Library Commission and the Public Library Department, or the Health Commission and the Public Health Department). If a department issues an Annual Report, does this then fulfill any Annual Report requirements for the associated board or

NEGLECT OF REPORTING REQUIREMENTS

commission? From a wise use of public resources point of view, this assumption makes sense. We also assume that a department and its board or commission are synchronous regarding material that would be placed in such a report. While such an assumption might make sense, we still observe that current regulations do not address the issue.

From a better use of government resources point of view, we also note that regulations were recently enacted to require that departments submit annual Customer Service Plans (Administrative Code, Section 88). It would seem to make sense that consideration be given to combining the Customer Service Plan report requirements with the Annual Report requirements for departments and their associated boards and commissions, or at least giving the option in regulations of such a combination.

For the purposes of this report, we have noted where Annual Reports would be required, then made some assumptions. If a Board or Commission already issues an Annual Report, has in the past, or is otherwise required by the Municipal Codes to issue a report that can be credited as fulfilling the Annual Report requirement, then we have noted this. If a department associated with a Board or Commission issues an Annual Report, we have assumed that the department and Board or Commission essentially speak as one, such that the departmental Annual Report covers the requirement for the Board or Commission. For Boards and Commissions not covered by either of the above methods, one possibly could review the Mayor's proposed budget to see if adequate information is contained there, but we have not credited this method since the Municipal Code requirements are not clear. However, for reference in Table 1 we have footnoted those Boards and Commissions that appear in the budget and those that do not.

Annual Report Requirements for Elective Officers and Department Heads

Regulations for Elective Officers and Department Heads are contained in Charter Section 4.100 and Administrative Code Sections 2A.30 and 8.16 (see Attachment 2). Section 2A.30 first defines which personnel have the powers and duties of a department head (in essence the executive branch of government under the Mayor and elected officials not part of the legislative or judicial branches), then notes that each such department head shall file an Annual Report.

NEGLECT OF REPORTING REQUIREMENTS

It is interesting to note that Section 2A.30 does not specify to whom the Annual Report is to be submitted, unlike the requirements for Boards and Commissions.

In the absence of specific requirement, the Civil Grand Jury assumes that submittal requirements are identical to those for Boards and Commissions in Charter Section 4.103, which are the Mayor and the Clerk of the Board of Supervisors.

The content of Annual Reports varies, in some cases quite substantially. There are several agencies for which regulations prescribe detailed content requirements (Park and Recreation, the Lead Hazard Reduction Citizen Committee (H, 1608(a)(ii), DPH annual lead report (H, 1609)); however, for most others the requirements are not specific. We particularly appreciated one Annual Report that was basically a year-end speech by the administrator that the department had then submitted as its Annual Report. Some Annual Reports tend toward the general, perhaps even toward the boilerplate. The Board of Supervisors should review Annual Report requirements with an eye toward more standardization.

NEGLECT OF REPORTING REQUIREMENTS

APPENDIX A

ATTACHMENT 1 Current Regulations – Boards and Commissions

(1) Charter, Section 4.100, "General"

"In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each appointive board, commission, or other unit of government of the City and County established by state or federal law shall be subject to the provisions of this Article and this Charter."

(2) Charter, Section 4.102, "Boards and Commissions – Powers and Duties"

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;
2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;"

(3) Charter, Section 4.103, "Boards and Commissions - Annual Report"

"As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section 4.102(2)."

NEGLECT OF REPORTING REQUIREMENTS

(4) Administrative Code, Section 1.56, "Annual Reports"

"Every board or commission of the City and County shall prepare an annual report describing its activities as part of the Annual Statement of Purpose required under Charter Section 4.102(2). The report shall contain a general summary of the department's services and programs presented in terms and format accessible to the average citizen, and any highlights and achievements of the prior year that the department wishes to include."

(Added by Ord. 311-98, App. 10/16/98)

(5) Administrative Code, Section 8.16, "Filing of Annual Reports and Official Documents with San Francisco Public Library"

"It shall be the duty of every official, board, commission, or department, who or which publishes an annual report or other official published documents, relative to the affairs under his or her or its control or related to his or her or its functions, to file at least two copies thereof with the Documents Department of the San Francisco Public Library within 10 days after publication of each such report or document."

The reports of documents required to be filed pursuant to the provisions this Section shall be made available by the Documents Department for reference thereto by the People of the City and County."

Any violation of the provisions of this Section on the part of any elective officer or any member of any board or commission shall be deemed to be official misconduct and any violation of the provisions of this Section on the part of any employee shall be deemed to be inattention to duties and considered cause for suspension or dismissal from service."

The provisions of this Section shall be deemed directory only. Failure to comply with the provisions of this Section shall not provide a basis for invalidating any action taken."

(Amended by Ord. 51-87, App. 2/27/87)

(6) Charter, Section 15.104, "Penalty for Official Misconduct"

"Any person found guilty of official misconduct shall forfeit his or her office, and shall be forever after disbarred and disqualified from being elected, appointed or employed in the service of the City and County."

NEGLECT OF REPORTING REQUIREMENTS

- (7) Charter, Section 16.112, "Citizen Participation; Public Notices, Hearings and Access to Public Documents"

"The publication of and full public access to public documents, except for those subject to confidentiality, shall be as required by law."

- (8) For contrast with Section 8.16, Administrative Code Section 8.7 notes the following:

- (a) Before any book, document, photograph, map, architectural drawing, record, bond certificate, or other material of historical significance is destroyed, the following procedure shall be observed:

(1) It shall be offered by the officer concerned, i.e., the Mayor or the Mayor's designee, or by boards or commissions for departments under their respective jurisdiction, the San Francisco History Room of the San Francisco Public Library;

(2) Such items not accepted by the San Francisco Public Library may be sold by the office of the Mayor, together with copies thereof, under provisions of Section 8.12-2 of the Administrative Code;

(3) In the event the Public Library declines to accept said historical material, or after sale thereof by the Mayor, any remaining such historical material may be offered to an historical society.

- (b) After all the steps outlined in Paragraph (a) above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser.

NEGLECT OF REPORTING REQUIREMENTS

APPENDIX A

ATTACHMENT 2 Current Regulations – Departments and Elected Officers

- (1) Charter, Section 4.100, "General"

"In addition to the office of the Mayor, the executive branch of the City and County shall be composed of departments, appointive boards, commissions and other units of government. To the extent law permits, each appointive board, commission, or other unit of government of the City and County established by state or federal law shall be subject to the provisions of this Article and this Charter."

- (2) Administrative Code, Section 2A.30, "Department Heads"

"Each elective officer in charge of an administrative office, the chief executive under a board or commission, the Controller, and each department head appointed by the Mayor shall have the powers and duties of a department head, except as otherwise specifically provided in the Charter."

Each department head shall be immediately responsible for the administration of his or her department, and shall file an annual report and make such other reports, estimates and recommendations at the time and in the manner required by law, or as required by the Mayor, board or commission."

- (3) Administrative Code, Section 8.16, "Filing of Annual Reports and Official Documents with San Francisco Public Library"

"It shall be the duty of every official, board, commission, or department, who or which publishes an annual report or other official published documents, relative to the affairs under his or her or its control or related to his or her or its functions, to file at least two copies thereof with the Documents Department of the San Francisco Public Library within 10 days after publication of each such report or document."

The reports of documents required to be filed pursuant to the provisions this Section shall be made available by the Documents Department for reference thereto by the People of the City and County."

NEGLECT OF REPORTING REQUIREMENTS

Any violation of the provisions of this Section on the part of any elective officer or any member of any board or commission shall be deemed to be official misconduct and any violation of the provisions of this Section on the part of any employee shall be deemed to be inattention to duties and considered cause for suspension or dismissal from service."

The provisions of this Section shall be deemed directory only. Failure to comply with the provisions of this Section shall not provide a basis for invalidating any action taken." (Amended by Ord. 51-87, App. 2/27/87)

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 - (2) Such items not accepted by the San Francisco Public Library may be sold by the office of the Mayor, together with copies thereof, under provisions of Section 8.12-2 of the Administrative Code;
 - (3) In the event the Public Library declines to accept said historical material, or after sale thereof by the Mayor, any

NEGLECT OF REPORTING REQUIREMENTS

remaining such historical material may be offered to an historical society.

- (b) After all the steps outlined in Paragraph (a) above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser.

NEGLECT OF REPORTING REQUIREMENTS

APPENDIX A

ATTACHMENT 3 Current Budget Regulations

- (1) **Administrative Code, Section 3.5, "Long-Term Departmental and Agency Budget Planning – Setting Goals and Strategies, Developing Strategic Plans"**

"The policies resulting from this Section are intended to help the Mayor, the Board of Supervisors, the City's boards, commissions, and departments, the Redevelopment Agency and the courts, to develop and effect clear policies that will promote the City's long-term prosperity. So intended, these policies and documents shall not legally bind the Mayor, the Board of Supervisors, or any board, commission, or department to any specific action or course of action beyond their complying with this Section's requirements.

(a) Mission and Goals Statements

- (1) Each department, board, commission and agency shall submit a budget containing documentation which provides the following information:
- (i) The overall mission and goals of the department;
 - (ii) Strategic plans that provide direction towards achieving the department's mission and goals;
 - (iii) Identification of policy outcome measures that reflect the mission and goals of the department and which can be used to gauge progress towards attaining these goals;
 - (iv) The specific programs and activities conducted by the department to accomplish its mission and goals and the customers or clients served;
 - (v) The total cost of carrying out each program or activity;
 - (vi) The department head shall certify the extent to which the department achieved, exceeded, or failed to meet its missions, goals, productivity and service objectives, during the prior fiscal year.

NEGLECT OF REPORTING REQUIREMENTS

(b) Development of Strategic Plan

Commencing with fiscal year 1998-99, each department, board, commission and agency shall develop and annual review a strategic plan which contains at least a three-year forward plan to reflect policy outcomes from the operations of the respective department, board, commission or agency consistent with the then-approved budget.

The committee of the Board of Supervisors having jurisdiction over the budget may waive any particular requirement of this Section upon the request of the Mayor.

(2) Administrative Code, Section 3.6, "Three-Year Budget Projection"

Commencing in fiscal year 1998-99, following adoption of the annual budget by the Board of Supervisors the Mayor, Board's Budget Analyst and the Controller shall jointly prepare a three-year estimated summary budget of the City and County incorporating to the extent possible the strategic plans of each department, board, commission or agency developed pursuant to Section 3.5 of this Code.

The Mayor shall review each board, commission, or department's mission and goals statement as part of the preparation of the Mayor's proposed budget for the City and County. The Mayor and Board of Supervisors shall consider the City and County's three-year budget plan when composing the City and County Budget for the next fiscal year.

(3) Charter, Section 9.101, "Proposed Annual and Multi-Year Budgets"

The Mayor shall submit to the Board of Supervisors each year an annual proposed budget, ordinances and resolutions fixing wages and benefits for all classifications and related appropriation ordinances.

The annual proposed budget shall include:

1. Estimated revenues and surpluses from whatever sources, to the extent feasible, for the forthcoming fiscal year and the allocation of such revenues and surpluses to various departments, functions and programs to support expenditures. Proposed expenditures may include such necessary and prudent reserves as recommended by the Controller; and

NEGLECT OF REPORTING REQUIREMENTS

2. A summary of the annual proposed budget with a narrative description of priorities, services to be provided and economic assumptions used in preparing the revenue estimates. The summary shall also contain a discussion of trends and projections of revenues and expenditures of the City and County for the subsequent four years.

The annual proposed budget and appropriation ordinances shall be balanced so that the proposed expenditures of each fund do not exceed the estimated revenues and surpluses of that fund. If the proposed budget contains new revenue or fees, the Mayor shall submit to the Board of Supervisors the relevant implementing ordinances at the same time the annual budget is submitted.

Until the appropriation ordinances are adopted by the Board of Supervisors, the Mayor may submit to the Board of Supervisors revisions to the annual proposed budget, appropriation ordinances, and ordinances and resolutions fixing wages and benefits.

The Mayor may instruct the Controller to prepare the draft appropriation ordinances.

The Mayor shall file a copy of the annual proposed budget at the Main Library and shall give notice of the budget summary, including making copies available to the public. Upon final approval of the budget by both the Board and the Mayor, notice shall be given of the final budget summary.

The Board of Supervisors by ordinance may require multi-year budget plans and other budget planing strategies to be performed by the several departments and offices of the City and County.”

NEGLECT OF REPORTING REQUIREMENTS

APPENDIX B

"POSTING AND DEPOSITORY FACT SHEET"

"POSTING FACTSHEET FOR NONPROFITS"



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POSTING FACTSHEET FOR NONPROFITS

Updated: February 9, 2000

According to San Francisco Administrative Code 12L.4 (Ordinance 198-98, Approved 6/19/98), nonprofit organizations (as defined in 12L.3(e) and which have a "contract" with the City, as that term is defined in 12L.3(c)) shall hold at least two public meetings per year during the City's fiscal year -- June 30 to July 1. The public shall have an opportunity to address the Board of Directors and each nonprofit shall provide the public with a notice of each designated public meeting at least 30 days in advance of the meeting. Written notice of the date, time, and location of each public meeting shall be submitted to the Clerk of the Board of Supervisors for posting where notices of meetings of the Board of Supervisors are posted and to the San Francisco Public Library, Government Information Center for posting where notices of meetings of City boards and commissions are posted.

Ordinance 198-98 also amended Administrative Code 67.30. This concerns the Sunshine Ordinance Task Force and has nothing to do with nonprofit organizations. **Please note:** This factsheet is intended as a general description only. Please refer to San Francisco Administrative Code 12L.4 for more complete information.

POSTING INFORMATION

The Government Information Center maintains a clipboard where meeting notices and agendas for City departments, boards and commissions are posted. The clipboard is arranged chronologically with the most current date on top and future dates underneath. We will post meeting notices for nonprofits on the same clipboard, but will discard the notices after the date of the meeting. We only keep and maintain official city publications. In order to best serve the public, meeting notices should include only the information for the next public meeting, with date, time and location as stipulated in the Administrative code. **Do not send meeting notices on a yearly basis.** Send a copy of the meeting notice to:

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Terry Gwiazdowski
San Francisco Public Library
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San Francisco, California 94102

Contact information:
415/557-4470
415/557-4475 FAX
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The public can review agendas and documents in the Government Information Center during open hours. The agendas are on a clipboard located at the Reference Desk.

OVERTIME STUDY

Report of the
1999-2000 San Francisco Civil Grand Jury

OVERTIME STUDY

SUMMARY

The Civil Grand Jury investigated overtime compensation, the way overtime is awarded to employees, its fiscal impact, its use by and effect on various departments, the manner in which overtime is controlled, and its short-term and long-term consequences for the City.

Some employees receiving overtime are able to substantially enhance their pensions due to overtime worked. Over the life of the employee's pension, the City pays or incurs a pension obligation approximately 10 times the employee's regular hourly rate for each hour of overtime worked. The cost of overtime in this instance is grossly disproportionate to the benefits received by the City and results in a huge windfall to the employee. The amount received by the employee can be approximately 20 times the employee's regular hourly rate.

Causes of excessive overtime are identified, and examples of impact to the Retirement System are presented. Both department-specific and general recommendations are presented.

BACKGROUND

1. OVERTIME COSTS AND PRODUCTIVITY IN GENERAL

In its simplest form, overtime generally results in the City paying one and one-half times the usual hourly pay for each hour of work. While there are some savings from not having to incur the cost of fringe benefits and employment taxes when the City does not hire additional employees to perform needed tasks, the cost to the City for most overtime is approximately 30 percent greater than the employee's regular hourly compensation. It is generally recognized that excessive overtime can decrease employee work performance and productivity.

2. PENSION ENHANCEMENT AND COST

Some employees receiving overtime are able to substantially enhance their pensions due to overtime worked. The cost of this overtime lasts as long as the employee receives pension benefits. The pension benefit received by the employee is more than the cost to the City due to accrual of pension plan earnings (e.g., interest or dividends) that reduce the amount the City is required to contribute to the City pension plan. City pension plan costs are based on an assumed 8.25 percent return; if the pension plan investments return more than 8.25 percent, as they have in recent years, the cost to the City is reduced accordingly.

OVERTIME STUDY

Over the life of the employee's pension, the City pays or incurs a pension obligation approximately 10 times the employee's regular hourly rate for each hour of overtime worked. The cost of overtime in this instance is grossly disproportionate to the benefits received by the City and results in a huge windfall to the employee. The amount received by the employee can be approximately 20 times the employee's regular hourly rate.

3. TIER 1 - EMPLOYEES ELIGIBLE FOR PENSION ENHANCEMENT

Certain employees have the ability to increase their pensions by working overtime. In 1976, the City Charter was amended to preclude overtime from being considered in calculating a subsequently hired employee's pension. Currently only Miscellaneous Employees (everyone other than Police and Fire Department employees) employed prior to November 2, 1976, are eligible for pension enhancement due to overtime. As provided by the San Francisco Retirement System, as of July 1, 1998, there were 2,782 employees in this category (also known as Tier 1 Employees), broken out as follows:

Employee Type	Number of Employees
Municipal Railway	312
Craft Workers (Department of Public Works, Water Department)	320
Other	2150
TOTAL	2,782

Pensions for these employees are based upon age, years of service and "final" salary. Final salary consists of the employee's highest compensation in any year of employment.

4. OPPORTUNITY FOR PENSION ENHANCEMENT

Institutionalizing practices at certain City departments results in overtime opportunities being afforded to those employees on the verge of retirement, thereby making an enhanced pension benefit opportunity available to the employee. Usually that results in overtime hours being worked by a soon-to-be-retired employee, which are far in excess of the overtime hours worked in previous years by that employee. The awarding of an overtime opportunity to an employee may be controlled by a MOU (Memorandum of Understanding) between a City department and the employee's union. In some instances, the department MOU provides for rotating overtime amongst department employees and in other instances provides for senior employees (usually the highest paid) to have priority in the awarding of overtime. During investigation, the Civil Grand Jury was told that in some cases cronyism may be used as the basis for awarding overtime. A senior employee on the verge of retirement may thus be

OVERTIME STUDY

given the opportunity for pension enhancement. An existing practice affords an employee who is about to retire the opportunity to receive overtime assignments in his or her final years of employment. An employee then accrues overtime pay, resulting in a pension benefit that has been substantially increased over the amount of the benefit that would otherwise have been paid to the employee.

The Civil Grand Jury was informed that another method that can be used by Tier 1 Public Transportation Department (Municipal Railway) employees to increase pension benefits is to switch from supervisory positions back to regular driver positions in the year prior to retirement. Regular driver positions can offer greater chances for overtime, and also offer a greater variety of job tasks, than do supervisory positions.

5. UNFILLED POSITIONS USED TO FUND OVERTIME

Employees in various departments rely on being able to work overtime in order to supplement their income. Although this would suggest that those employees may be underpaid or otherwise in need of additional income, this need may create a disincentive to add employees when the requirement for additional staffing arises. Certain City departments have not filled authorized personnel positions and have used the amount budgeted for unfilled positions to pay overtime to existing employees, including those eligible for pension enhancement. Department heads have the latitude to shift budgeted employee compensation for unfilled positions to overtime pay.

METHODOLOGY

The Civil Grand Jury interviewed various City department administrators and reviewed fiscal year 1999 payroll records (July 1, 1998 through June 30, 1999) of all City Departments where overtime hours had exceeded 16 percent of regular hours. This report from the Controller's Office reflects that approximately 2,600 employees reached this level of overtime.

Those departments with significant numbers of employees earning overtime pay substantially in excess of their base pay are the focus of this report. However, in order to reduce the data to a more manageable size, the following charts are limited to employees whose base pay is over \$40,000 and whose overtime hours exceeded 25 percent of their regular hours.

MUNICIPAL RAILWAY

The Municipal Railway functions seven days a week. Employees who work a five-day workweek can call in sick or otherwise not show up on a regular

OVERTIME STUDY

employment day and come to work on one of their days off. This results in the employee being paid time and a half for the day worked. Even if pay is docked for the day not worked, the employee has increased his/her income for the week by the amount of extra overtime pay.

Of the 3,582 Municipal Railway-funded positions, 1,269 workers received overtime hours greater than 16 percent of their regular hours. Simply put, more than one of every three Municipal Railway workers fell into this category. This level of overtime may introduce a fatigue factor, and further studies may be able to show some linkage between personnel with significant overtime hours and those involved in traffic accidents.

It must also be noted that about 466 Municipal Railway employees in our current study had an annual salary above \$40,000, and this amount was supplemented by overtime hours which was at least 25 percent of their regular hours. Just to highlight this situation, below is a listing of those employees who received more in overtime pay they received in their annual base pay.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Jeffrey Chow	Transit Supervisor	\$43,005	\$90,368	2,046
Evette Geer-Stevens	Transit Supervisor	59,243	77,013	1,761
Wade Lee	Transit Operator	45,905	57,349	1,881
Danilo Farrales	Transit Supervisor	55,189	66,241	1,534
Edward Dennis	Transit Operator	44,981	53,572	1,742
Gene McClain	Transit Operator	44,058	52,842	1,697
James Rogers	Transit Operator	45,353	53,057	1,725
Stephen Dickson	Transit Operator	43,937	49,917	1,634
Udaniel Hamilton	Transit Operator	45,371	50,657	1,662
Arturo Poblette	Transit Operator	45,837	50,987	1,672
Raymond Triplitt	Transit Supervisor	59,243	67,192	1,518
John Kantor	Transit Operator	44,997	46,865	1,537
Allan Buscaglia	Transit Supervisor	59,017	63,550	1,425
Leon Clark	Transit Operator	45,047	46,462	1,529
Robert Wiseman	Transit Operator	44,392	46,254	1,503
Prospero Sunga	Transit Supervisor	45,780	46,198	1,463

FIRE DEPARTMENT

There were 156 Fire Department employees who had overtime hours greater than 16 percent of their regular hours. Of this group, about 9 out of 10 were uniformed fire-fighters/paramedics. Again, this level of overtime may introduce a fatigue factor, and further studies might be able to uncover some linkages

OVERTIME STUDY

between front-line Fire Department personnel with significant overtime hours and those involved in street accidents or fire injuries.

Below is a listing of Fire Department personnel who had an annual salary over \$40,000 and who additionally received overtime hours which amounted to more than 25 percent of regular hours.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Larry Sinigiani	Firefighter	\$57,258	\$52,248	1,554
Charles Lesca	Firefighter	57,658	44,961	1,292
Robert Postel	Firefighter	56,057	42,810	1,272
Michael Arsanis	Fire Rescue Paramed	62,254	44,152	1,261
James Kenyon	Firefighter	56,857	39,907	1,188
Ray Crawford	Fire Rescue Paramed	62,554	42,893	1,153
Stephen Lynch	Firefighter	58,661	35,854	1,068
John Cavanaugh	Captain, EMS	63,822	40,082	900
Sebastian Wong	Captain, EMS	61,234	36,415	816
Patrick Gardner	Lt. FD	65,910	37,726	964
William Gunn	Plumber Sup.	72,372	40,673	782
James Beem	Fire Rescue Paramed	61, 856	34,220	920
M. Tragesser	Fire Rescue Paramed	63,139	33,938	916
James Dunson	Lt. FD	65,080	33,152	709
Michael Jones	Lt. FD	71,092	32,723	836
Timothy Howe	Fire Rescue Paramed	62,910	29,212	788
Ernest Ware	Lt. FD	65,538	29,046	744
Elyse Duckett	Firefighter	55,787	24,058	716
John Faulkner	Firefighter	56,057	24,179	720
Thaddeus Golas	Firefighter	57,258	18,200	540
George Bruce	Lt. FD	65,910	27,887	713
Sheila Reid	Payroll Clerk	45,159	19,050	592
Curtis Young	Lt. FD	76,913	33,433	721
M. Creedon	Firefighter	56,191	23,291	695
Conrad Brosas	Firefighter	56,057	23,197	688
Alfred Rizotto	Lt. FD	65,585	24,773	634
Rudolph Erler	Firefighter	65,960	26,438	677
M. Thompson	Firefighter	45,434	19,646	672
W. Demattei	Lt. FD	65,074	26,287	672
Vincente Cogal	Fire Rescue Paramed	62,722	19,064	516
Paul Wyrsh	Firefighter	56,857	22,541	672
Frank Agius	Firefighter	55,718	21,590	644
Gerald Coghlan	Firefighter	56,457	21,766	648
James Griffin	Lt. FD	65,073	24,844	636

OVERTIME STUDY

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
D. Gerhardt	Firefighter	56,435	21,353	531
Eric Nylander	Fire Rescue Paramed	61,703	24,591	628
W. Landivar	Lt. FD	65,074	24,591	631
John Christy	Fire Rescue Paramed	74,049	24,534	663

HEALTH DEPARTMENT

Below is a listing of Public Health Department employees who had an annual base pay over \$40,000 and whose regular pay was supplemented by overtime hours which were at least 25 percent of their regular hours.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Charles Reinhart	Psych. Tech.	\$48,914	\$56,821	1,600
Frances Ye	Unit Clerk	45,251	39,541	1,264
William Riggs	Surgical Tech.	49,066	36,110	971
Josephine Perez	Surgical Tech.	49,101	33,350	967
Rose Coleman	Eligibility Worker	48,819	32,927	920
E. Anocleto	Lic. Voc. Nurse	47,474	31,699	882
Anene Ugbaja	Inst. Police Off.	45,980	29,693	838
R. Restauo	Inst. Police Off.	53,199	24,738	829
J. Ballanado	Lic. Voc. Nurse	48,118	24,738	819
Stanley Lee	Stores/Equip Asst Sup.	46,333	25,602	767
Marjorie Rubio	Lic. Voc. Nurse	48,443	26,826	763
F. Garcia	Health Team Leader	45,277	24,161	725
Yuan Hsu	Op. Room Nurse	63,002	41,290	820
Eric Cranston	Inst. Police Off.	51,176	28,568	705
Johnnie Chavez	Psychiatric Tech.	44,212	23,007	657
Adlaida Samson	Surg. Proc. Tech.	49,097	25,085	720
Delmy Hinds	Hosp. Eligibility	49,832	25,509	713
Mylene Espiritu	Lic. Voc. Nurse	42,109	18,519	648
E. Palacios	Truck Driver	41,879	20,846	568
Moises Tiglaio	Radiologic Tech.	52,690	27,379	640
Samuel Cherry	Inst. Police Off.	47,796	19,980	581
N. Gammad	Lic. Voc. Nurse	46,189	15,281	568
John Majka	Inst. Police Off.	47,446	21,898	639
Judy Chou	Hosp. Eligibility	49,645	21,032	563
Marisa Allen	Lic. Voc. Nurse	43,899	18,482	578
V. Alibutod-Romabile	Lic. Voc. Nurse	40,606	16,546	541

OVERTIME STUDY

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Larry Prosper	Inst. Police Off.	53,610	21,277	542
M. Barquero	Lic. Voc. Nurse	47,552	16,955	518

POLICE DEPARTMENT

Of the 2,595 Police Department funded positions, 614 employees (or approximately one of every four employees) received overtime hours greater than 16 percent of their regular hours.

About 220 Police Department employees had an annual salary above \$40,000 and this compensation was supplemented by overtime hours of at least 25 percent of their regular hours. To highlight this situation, below is a listing of those employees whose overtime hours exceeded 50 percent of their regular hours.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
James Gaan	Police Officer	\$63,921	\$71,361	1,566
M. Thompson	Sergeant	67,737	71,361	1,440
John Fewer	Inspector	68,990	61,796	1,248
Curtis Dowling	Police Officer	59,425	53,152	1,245
A. Johnson	Police Officer	59,425	52,084	1,219
Robert Ramos	Police Officer	56,114	49,072	1,220
A. La Rocca	Police Officer	55,573	48,400	1,202
P. Schlotfeldt	Police Officer	62,361	53,695	1,201
Ross Laffin	Police Officer	59,480	51,061	1,195
James Hickson	Police Officer	63,489	54,269	1,191
D. Clennell	Police Officer	63,183	53,827	1,181
Michael Gaynor	Inspector	68,398	57,831	1,167
Phillip Frenkel	Police Officer	56,110	46,394	1,152
Edward Weaver	Police Officer	62,410	49,311	1,100
Dominic Yin	Police Officer	58,408	46,184	1,101
Edbert Dare	Police Officer	63,837	49,960	1,095
M. Simmons	Police Officer	58,076	45,404	1,083
G. Constantine	Police Officer	59,198	46,224	1,082
Robert Bonnet	Police Officer	63,362	49,060	1074
Joseph Toomey	Inspector	68,990	52,356	1,059
J. Ongpin	Police Officer	59,767	45,035	1,055

OVERTIME STUDY

PARKING AND TRAFFIC DEPARTMENT

Below is a listing of Parking and Traffic Department personnel who had an annual base pay in excess of \$40,000 and whose base pay was supplemented by overtime hours which were at least 25 percent of their regular hours. We were surprised to find that painters dominated this category.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
R. Galarce	Painter	\$50,081	\$32,625	945
Victor Garcia	Painter	50,667	32,838	925
Romulo Ratola	Painter	50,667	30,534	871
Michael Hart	Painter	50,667	24,555	707

RECREATION AND PARK DEPARTMENT

Below is a listing of those employees who had an annual salary in excess of \$40,000 and had their pay supplemented by overtime hours at least 25 percent of their regular hours.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Roger Revel	Gardener	\$42,447	\$28,962	965
F. Halldorson	Gardener	41,753	27,166	906
Michael Bagdon	Gardener	41,753	17,466	585
Joseph Caputo	Gardener	41,753	18,651	622
S. Grech	Groundkeeper	45,955	17,689	537

SHERIFF'S DEPARTMENT

There were 117 Sheriff's Department personnel who had overtime hours greater than 16 percent of their regular hours. Of this group, almost 97 percent were sworn deputies. Therefore, it seems that future studies should be made to determine whether some of the current Deputy assignments could be appropriately and adequately performed by non-law enforcement personnel.

Below is a listing of Sheriff's Department employees who had an annual salary over \$40,000 and who had supplemented their pay by overtime hours at least 25 percent of their regular hours.

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NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
T. Bradley	Deputy Sheriff	\$55,747	\$52,244	1,350
M. Turner	Deputy Sheriff	43,449	39,880	1,287
Charles Gatson	Deputy Sheriff	50,318	40,387	1,116
Barry Bloom	Deputy Sheriff	45,351	34,167	1,026
Harry Lee	Deputy Sheriff	41,708	30,696	1,013
Malechi Burris	Sr. Deputy Sheriff	55,539	40,629	1,015
K. McConnell	Deputy Sheriff	42,967	31,234	1,007
Carolyn Gage	Deputy Sheriff	50,322	35,295	989
David Johnson	Deputy Sheriff	42,798	29,681	966
F. Dimapasoc	Deputy Sheriff	50,324	32,750	916
Dwight Hall	Deputy Sheriff	41,876	27,884	907
Lloyd Jones, Jr.	Deputy Sheriff	50,317	27,498	760
Sarah James	Deputy Sheriff	46,086	24,736	753
R. Johnson	Deputy Sheriff	41,949	22,584	621
Kevin Warren	Deputy Sheriff	50,317	26,717	742
April Johnson	Deputy Sheriff	42,202	22,135	743
Ernest Smith	Deputy Sheriff	50,322	26,159	727
D. Carter, Jr.	Deputy Sheriff	50,317	24,513	679
T. Catchings	Deputy Sheriff	41,950	19,977	565
A. Carrasco	Deputy Sheriff	50,317	23,073	646
Anna Payne	Sr. Deputy Sheriff	55,747	25,158	631

WATER DEPARTMENT

Of the 67 Water Department employees who received overtime hours greater than 16 percent of their regular hours, more than one third had a total annual income exceeding \$100,000. Below is a listing of only those who had an annual base pay of more than \$40,000 and who had their pay supplemented by overtime hours of at least 25 percent of their regular hours.

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Samuel Botza	Inspector	\$65,029	\$43,689	937
Carl Spirz	Operating Engineer	60,116	41,327	887
Thomas Sutter	Plumber Supervisor	77,854	47,019	840
Norman Nelson	Plumber Supervisor	72,373	41,013	770
Patrick Shea	Truck Driver	49,137	28,273	740
William Teahan	Plumber Supervisor	72,372	39,285	742
Michael Lyons	Plumber Supervisor	72,233	37,807	709
Michael Reidy	Plumber Supervisor	72,373	37,406	697

OVERTIME STUDY

NAME	JOB	BASE PAY	OVERTIME PAY	OVERTIME HOURS
Robert Tusch	Plumber Supervisor	72,373	34,457	661
Gerald Lyons	Plumber Supervisor	77,854	36,697	656
D. Gramberg	Stationary Engineer	65,251	30,777	632
John Teahan	Plumber Supervisor	72,373	33,607	630
Phil Marovich	Plumber Supervisor	72,373	32,468	624
L. Contreras	Plumber Supervisor	72,372	33,033	616
M. Spillane	Plumber Supervisor	72,373	32,934	613
Robert Sexton	Operating Engineer	59,360	28,052	590
W. Mecham	Truck Driver	49,137	22,282	569
Angus Pera	Truck Driver	50,492	23,712	587
R. McClean	Plumber Supervisor	72,373	29,921	572
Jorge Vicente	Truck Driver	49,157	22,825	565
Ralpheal Hale	Plumber Apprentice	60,485	24,619	560
D. McCarthy	Plumber Supervisor	72,373	29,556	552
Dennis Oneil	Operating Engineer	60,116	25,553	552
John Rincon	Truck Driver	50,677	20,473	533
Ronald Craig	Operating Engineer	59,829	24,646	532
T. Wortmann	Plumber Supervisor	72,373	28,548	533

POTENTIAL BENEFITS AND COSTS DUE TO OVERTIME PENSION ENHANCEMENT

Once a pension is awarded, it is based on the life of the retiree and of the retiree's qualified survivor (spouse or domestic partner). The retiree has the right to make certain pension benefit selections, which result in different pension amounts based upon the survivor benefit selected. The City is responsible for funding the benefit selected. A Tier 1 employee generally earns a substantially higher pension as a result of working overtime in his/her final years of employment. The annual cost to the City of the pension benefit is increased as a result of pension enhancement.

Using representative overtime hours as reflected in the previous tables, the following table shows the potential for pension enhancement and the potential cost to the City where overtime is earned by Tier 1 employees. The table assumes that the employee is 60 years of age with a 20.6 year life expectancy, that no survivor benefit was selected, that the overtime earnings represents the employee's highest compensation in the final year prior to retirement, that the base pay in the final year is the highest base achieved by the employee during his/her employment, that all earnings, including overtime in prior years do not exceed the base pay during the final year of employment, and that the retirement fund earns 8.25 percent annually.

OVERTIME STUDY

	BASE PAY	OT PAY	YEARS OF SERVICE	MONTHLY BENEFIT WITHOUT OT*	OT HOURS	MONTHLY BENEFIT WITH OT	LIFETIME BENEFIT ENHANCED BY OT*	LIFETIME COST OF ENHANCED BENEFIT*
1	\$65,029	\$43,689	42.8	\$4,064	937	\$6,830	\$683,787	\$330,042
2	44,392	46,254	37.4	2,700	1,503	5,547	703,882	339,741
3	45,354	53,057	35.3	2,333	1,725	5,090	681,439	328,908
4	41,753	27,166	32.8	2,083	585	3,464	341,354	164,760
5	45,905	57,349	32.1	2,454	1,881	5,543	763,625	368,577
6	77,855	47,019	29.8	3,867	840	6,214	580,084	279,988
7	43,005	90,368	27.7	1,726	2,046	7,645	1,463,291	706,283
8	41,753	18,561	25.2	1,315	622	1,911	147,109	71,005
9	45,372	50,657	24.8	1,427	2,255	3,044	399,767	192,954

* Benefit calculations by Retirement System

CONCLUSIONS

The following causes of excessive overtime are identified by department. We note that some of the causes may be beyond the control of the department.

POLICE DEPARTMENT:

- Understaffing
- court appearances by arresting officer after shift ends or on day off
- report writing when an arrest is made near end of shift
- arrested person in need of medical treatment is routinely rejected by the Sheriff's Department causing the officer, who may be at the end of his shift, to accompany the prisoner to medical facility and to wait until the facility accepts the prisoner
- City emergencies
- unplanned protests
- visits by VIPs
- supplying officers for private events*
- street fairs*
- sporting events*
- filming of movies and commercials*
- private security needs of businesses.*

(*in some instances, the City may receive reimbursement of some of the overtime costs)

OVERTIME STUDY

FIRE DEPARTMENT:

- Understaffing
- emergencies
- absences due to fraudulent worker's compensation claims
- illness
- work rules requiring minimum staffing at stations and to operate equipment
- general discontent by rank and file with management is believed to be responsible for some absenteeism
- Overtime paid to employees who participate in the delivery of toys during the Department's Toys for Tots program
- Alleged incidents of racism directed at the Chief may have resulted in overtime abuses in order to call into question the Chief's management skills.

MUNICIPAL RAILWAY:

- Understaffing
- unexcused absenteeism
- overtime abuses
- fraudulent worker's compensation claims
- outdated management information systems
- special events
- poor hiring practices
- labor agreements which limit management's ability to terminate employees for poor attendance.

OVERTIME STUDY

RECOMMENDATIONS

General Comments

A close analysis of the Controller's overtime report/compilation of 2,600 City government employees revealed there are some job classifications that could provide additional job opportunities while reducing overtime hours. Additional persons hired into these job classifications could significantly reduce the risks and expenses involved with the dependency on overtime used to deliver necessary City services. One possibility is the General Laborer (7514) job classification, which appears in the Port Authority, Water Department, and rather extensively in the Department of Public Works. The other consists of the Security Guards (8202), Institutional Police Officers (8204) and even Museum Guards (8226) who received significant overtime hours in various City departments.

Furthermore, in order to elevate the issue of overtime to the proper priority level, overtime reduction should be connected to two existing monetary controls. One is to affix overtime reduction to the bonuses which City executives generate through the goals they set in Management Performance Reviews. The other is to assign a measurable value to overtime reduction which should be reflected in Performance Measures of departmental budgets.

Finally, the Civil Grand Jury cannot dismiss the widely held general opinion that significant overtime contributes to a fatigue factor in individuals which markedly reduces their peak performance. Therefore, claims against the City should also be compared against the overtime listing in order to determine if those City employees involved in some claims also happen to be recipients of significant overtime hours.

Police/Sheriff

1. Police Officer court appearances should be coordinated with the District Attorney's Office and the courts to attempt to arrange appearances on a scheduled workday with a realistic time scheduled for the appearance.

Required Response

Police Department
District Attorney

OVERTIME STUDY

2. The Sheriff's Department should be responsible for custody of all prisoners delivered to the jail or to a medical facility while awaiting treatment. Individual officers should be relieved of this responsibility.

Required Response

Police Department
Police Commission
Sheriff's Department

3. Street fairs consume substantial overtime and the entity conducting the fair is only responsible to contribute a maximum of \$2,500 toward the costs incurred by the City. This contribution is sometimes waived by the Board of Supervisors depending on political considerations. The fee should be increased and guidelines established for the uniform waiver of fees.

Required Response

Police Department
Board of Supervisors

4. The use of police officers for private functions under Administrative Code section 10b results in some reimbursement to the City for overtime incurred. The Board of Supervisors recently repealed the requirement that a 20 percent fee be charged in addition to the overtime incurred. The repealed fee was not uniformly charged and that served as a reason for its repeal. Currently no charge is assessed for the cost of administering the program or for the use of City equipment by police officers hired under the 10b program. The 20 percent fee should be reinstated and assessed equally in all instances. If a waiver is justified it should be pursuant to established guidelines and not waived on the basis of political considerations.

Required Response

Police Department
Board of Supervisors

5. Studies should be made to determine whether some of the current Deputy assignments could be appropriately and adequately performed by non-law enforcement personnel.

OVERTIME STUDY

Required Response

Sheriff's Department

Fire Department

6. Work rules should be re-examined to determine whether the current requirements unnecessarily contribute to overtime requirements.

Required Response

Fire Department
Fire Commission

7. The Department should increase its vigilance in curtailing and prosecuting fraudulent sickness and compensation claims.

Required Response

Fire Department
Fire Commission

8. Investigate incidents determined to be a tactic to discredit the chief, responsible personnel should be identified and disciplined or terminated.

Required Response

Fire Department
Fire Commission

9. While Fire Department personnel understandably wish to witness the joy of a child receiving a toy, the City could arrange for the toys to be delivered in a less costly manner.

Required Response

Fire Department
Fire Commission

OVERTIME STUDY

10. A comprehensive study ought to be made of Fire Department activities and policies to determine the root causes of its continuing heavy use of overtime.

Required Response

Fire Department
Fire Commission

11. An independent committee should be appointed to work with the Department to establish controls aimed at reducing overtime.

Required Response

Fire Department
Fire Commission

Municipal Railway

12. Legislation is required that would limit payment for overtime only where the workweek exceeds 40 hours. Employees should not be able to be absent during a regular workday and then receive overtime for working on their regular day off during the same workweek.

Required Response

Board of Supervisors
Public Transportation Department

13. Overtime incurred for special events should be budgeted separately thereby allowing management to focus on other root causes of overtime not related to special events.

Required Response

Public Transportation Department

14. Management has a problem obtaining current data due to its use of technologically outdated information systems. Other departments have similar complaints. The City should analyze its information systems and include in its budget funding for a state-of-the-art management

OVERTIME STUDY

information system that potentially can be shared with all departments having similar needs.

Required Response

Public Transportation Department
Human Resources Department

General Recommendations

In addition to the specific recommendations above, we have the following general recommendations that cover all departments. Department heads are responsible for controlling overtime. The budget process consists of departments budgeting for overtime by generally basing the request upon the prior year's experience. As a result, overtime has become institutionalized as part of the budget. Common experience suggests that a department will find ways to use overtime funds awarded to it in the budget. The City will not be able to control overtime unless the systemic institutionalized process can be diverted to a process which views overtime as an extraordinary expenditure and there is an independent review for all overtime awarded.

15. The Civil Grand Jury believes that there are several job classifications that could provide additional employment opportunities while reducing overtime hours. One possibility is the General Laborer (7514) job classification, which appears in the Port Authority, Water Department, and rather extensively in the Department of Public Works. The other consists of the Security Guards (8202), Institutional Police Officers (8204) and even Museum Guards (8226) who received significant overtime hours in various City departments. Additional persons hired into these job classifications could significantly reduce the risks and expenses involved with the dependency on overtime used to deliver necessary City services.

Required Response

Mayor
Board of Supervisors
Controller

16. Discretionary and emergency overtime should be budgeted separately. Only unforeseen events should be considered in the emergency category.

OVERTIME STUDY

Required Response

Board of Supervisors
Controller

17. Currently biannual reports are required where overtime for an employee exceeds 16 percent of base pay. Departments should be required to submit the report at the end of each month. The report should document the name of the employee, the amount of overtime pay earned, the reasons for the overtime and the department's plan of action to eliminate future discretionary overtime.

Required Response

Mayor
Board of Supervisors
Controller

18. Although the offices of the mayor and the controller have recently initiated monthly overtime expenditure reports, monitoring of the report requires that it be submitted for review by an independent body, the responsible commission, the mayor and the Board of Supervisors. Overtime expenditures for all departments should be reviewed by an independent oversight committee appointed by the Board of Supervisors. If the overtime expenditure is found to be excessive, the department head and oversight committee should work together to develop a plan to control future overtime expenditures. Multiple incidents of excessive overtime expenditures should be brought to the attention of the mayor for possible counseling of the department head.

Required Response

Mayor
Board of Supervisors

19. The Mayor, who has the power to hire and who can influence his or her appointed commissioners to fire department heads, has the ultimate responsibility for controlling overtime abuses. The cycle of overtime use, abuses and pension enhancement can be broken if the Mayor exerts leadership by letting department heads know it is City policy that the need for overtime is an extraordinary event and is to be kept to a minimum. It should be the City's goal to have appropriate staffing to fill the justifiable

OVERTIME STUDY

employee needs of the City, to budget for appropriate staffing, and to seek to reduce overtime as a way of life for City employees.

Required Response

Mayor

SFUSD IMPLEMENTATION OF PROPOSITION 227

Report of the
1999-2000 San Francisco Civil Grand Jury

SFUSD IMPLEMENTATION OF PROPOSITION 227

SUMMARY

On August 23, 1999, the Report of the 1998-1999 San Francisco Civil Grand Jury was released to the public. It was at this time that the present Civil Grand Jury also received copies of this Report. One section of the Report entitled, "SFUSD", detailed an investigation pertaining to the highly publicized statements made by former Superintendent of Schools Waldemar Rojas regarding the implementation of the recently enacted Proposition 227, a statewide limitation on bilingual education.

After reviewing the previous year's Civil Grand Jury Report as well as pertinent transcripts, this year's Civil Grand Jury began an investigation of its own regarding this issue. While there were several valid points made in the Report, it became clear to this Grand Jury early in our investigation that there had been a very serious degree of miscommunication between the SFUSD and the Grand Jury, which this Report attempts to clarify.

This year's Civil Grand Jury recommends continued good cooperation on the part of SFUSD administration with respect to investigations and greater emphasis on informing the public as to the Dual Language Education model and its waiver allowance.

BACKGROUND

The 1998-1999 Civil Grand Jury was concerned with the implementation by SFUSD of the voter-enacted Proposition 227. This concern arose due to statements attributed to former Superintendent Rojas by the press at the time. The Report included two main subsections ("Delay of and Interference with Grand Jury's Investigation" and "Manipulation of Reported Numbers") as well as a smaller miscellaneous subsection. The Report concluded by making several recommendations to the incoming Civil Grand Jury regarding continuation of this investigation. The Civil Grand Jury Report detailed obstruction by the administration regarding their investigation and made a number (11) of recommendations to the incoming Grand Jury as to continuation of the investigation.

METHODOLOGY

After thoroughly reviewing all documents regarding the 1998-1999 Grand Jury's investigation of SFUSD and Proposition 227, the Civil Grand Jury interviewed the administration overseeing the bilingual program as well as a representative of the Language Academy (a sub-division of the district which implements the bilingual education program for SFUSD) at the SFUSD administration building. In addition, the Civil Grand Jury met with various teachers and principals on site at

SFUSD IMPLEMENTATION OF PROPOSITION 227

their schools both for interviews as well as to review "on site" documents. Advance notice of two to three days was provided to the SFUSD in the case of all interviews conducted and all requests made by the Civil Grand Jury for access to personnel and schools were granted without restriction.

RESULTS OF INVESTIGATION

(This section follows the format and headings of the 1998-1999 Civil Grand Jury Report)

Aside from the perception of the lack of financial accountability suggested by the Report, the current Civil Grand Jury found most disturbing the various cited examples which demonstrated the perceived lack of cooperation on the part of the SFUSD administration regarding this investigation. It should be noted that the administration referred to in the 1998-1999 Civil Grand Jury was no longer in place at the start of the current Grand Jury's term. It should further be noted that during our investigation, we were given full access to all schools and documents we requested within three days of contacting the current acting administration.

1. Delay of and Interference with Grand Jury's investigation

The 1998-1999 Civil Grand Jury detailed many examples illustrating what it perceived as the obstruction of its investigation. A strong case was made that, in its dealings with both the City Attorney's office as well as with the SFUSD administration at the time, it faced several unnecessary obstacles as well as several misleading statements. It was impossible for us to investigate further as there is now in place a completely different administration at SFUSD and as noted earlier, the current Civil Grand Jury received a commendable degree of cooperation from this current acting administration.

There does seem to be a grey area regarding the City Attorney's Office and their internal communication. Several meetings were held with a City Attorney and it is believed that at this time the City Attorney's Office is able to act as counsel for the Civil Grand Jury. It should be noted however that the Civil Grand Jury views this as an informal understanding between the City Attorney's Office and the current Civil Grand Jury. The situation regarding possible conflicts of interest should be monitored closely by subsequent Grand Juries.

2. Manipulation of reported numbers

The 1998-1999 Civil Grand Jury Report on SFUSD referred to a possible manipulation by SFUSD of the results of the California Test of Basic Skills ("CTBS," a state-wide student proficiency exam no longer in use) given by SFUSD. This was allegedly achieved by the exclusion of the lower scoring students from testing at the discretion of former Superintendent Rojas.

SFUSD IMPLEMENTATION OF PROPOSITION 227

In our interviews with the current administration we were told that during the period that the CTBS test was administered by SFUSD there were several specific criteria which would exclude a student from testing. Under the currently used federal proficiency test (the "STAR" test) only a written request for exclusion in the form of a parental letter excuses a student from the test. This change in exemption policy would no longer allow for the type of administrative manipulation of proficiency scores perceived by the previous Civil Grand Jury if such manipulation previously occurred.

3. Miscellaneous issues

The most striking aspect of the 1998-1999 Civil Grand Jury Report on the SFUSD was the antagonistic reaction by former Superintendent Rojas to that Jury's investigation of the Proposition 227 issue. It is the opinion of the current Civil Grand Jury that this obstructive attitude highly exacerbated the levels of miscommunication and misinformation surrounding this issue.

One example of such a miscommunication involved the amount of funding received by SFUSD for the bilingual education program as well as the discretion the district has in allocating those funds to various programs unrelated to bilingual education. A quote attributed to former Associate Superintendent Dr. Rosita Apodaca stated that the district received approximately \$30 million per year for students in bilingual education and that the SFUSD was under no obligation to spend those funds on bilingual programs.

In our interview with a representative of the Learning Academy we were given a much smaller amount as to the funding received for bilingual education (between \$8-\$9 million). The representative interviewed was at a loss to explain the quote attributed in the 1998-1999 Grand Jury Report to former Associate Superintendent Apodaca regarding the disbursement of said funds, that the district "...is not obligated to spend all monies received from the state and federal governments on bilingual education; nor does it." Other than a ruling several years ago which allows that bilingual funds to be used for common equipment (e.g., an overhead transparency projector which is dedicated to the bilingual program yet is available to the rest of the school when it is not being used by the bilingual students), we were told most emphatically that all funds received for bilingual students are currently spent on bilingual programs.

The Language and Literacy Assessment Rubric (LALAR) and the Language Proficiency Academic Achievement Committee (LPAAAC) are written assessment/parental consent procedures for bilingual education. During our visits to various schools, members of the Civil Grand Jury were allowed unfettered access to the files and found that all required consent forms were completed and onsite as required by law (see Appendix A for examples of forms). It should be noted that a great deal was made of the district using waivers from parents to maintain high bilingual enrollment and that this in some

SFUSD IMPLEMENTATION OF PROPOSITION 227

way subverted Proposition 227. In fact, Proposition 227 has in place a provision allowing parents to enroll their children in a bilingual program each year should they so choose.

After speaking with several teachers and administrators, the Civil Grand Jury clarified the stated discrepancy between the estimates of educators as to the length of time required for a student to become sufficiently proficient in English in order to be taught exclusively in English. There was agreement by all those interviewed that basic language proficiency can be obtained within two to three years of bilingual study allowing most of the student's instruction to be conducted in English. However, there was also widespread agreement that in many cases, children benefit from supplemental instruction in their native language, particularly in the development of specialized vocabulary and in the explanation of previously unknown theoretical concepts. The Grand Jury was apprised that it is this, the "Dual Language Enrichment" model, which is generally accepted as the most educationally sound model and the one that SFUSD and the Language Academy both advocate. It is not, however, within the scope of the Civil Grand Jury to evaluate the pedagogical aspects of the SFUSD as to their effectiveness and so this area was not examined further.

4. [1998-1999 Civil Grand Jury] Recommendations

In concluding its Report on SFUSD the 1998-1999 Civil Grand Jury included a series of recommendations regarding the continuation of their investigation. It should be stated that while many of the conclusions reached by the previous Civil Grand Jury were unfairly influenced by the lack of information they received, their recommendations were extremely valuable to the current Civil Grand Jury as a sort of "primer" to the investigation. The members of the previous Civil Grand Jury should be commended for their foresight in including such recommendations.

Although the previous Grand Jury's recommendations have already been covered by the body of this Report, there are two particularly strong suggestions which were not addressed.

The first is regarding the allegations of discrimination against Asian American students by SFUSD. While several inquiries were made, no examples were found. This was not an area the current Civil Grand Jury investigated thoroughly; and while there may be no substance to the charges, future Grand Juries should remain mindful of the previous allegations should others come to light.

The second is the use of independent counsel by the Civil Grand Jury, which should be further explored by the Court. Despite several conversations between the City Attorney's Office and this year's Civil Grand Jury attempting to clarify whether conflicts of interest could arise, there remains an uneasy ambiguity regarding the appropriateness of the Office of the City Attorney to act as counsel

SFUSD IMPLEMENTATION OF PROPOSITION 227

to both the Grand Jury as well as the various city departments under investigation.

CONCLUSIONS AND RECOMMENDATIONS **(Of the 1999-2000 Civil Grand Jury)**

Conclusion (1)

There was a large degree of animosity among the members of the 1998-1999 Civil Grand Jury who perceived that their investigation was being obstructed by former Superintendent Rojas. For unknown reasons, the former Superintendent did nothing to assuage the Grand Jury's concerns regarding this perception and to some degree prevented an early resolution to this investigation through various delays regarding the taking of testimony as well the production of pertinent documents.

Recommendation (1)

Future administrations of SFUSD would do well to follow the example of the current acting SFUSD administration in cooperating fully with any investigations conducted by the San Francisco Civil Grand Jury pertaining to SFUSD.

Required Response

Board of Education
Superintendent of Schools

Conclusion (2)

The SFUSD is well within its rights to grant waivers for the English Immersion educational model as permitted by Proposition 227, providing these documents are properly filled out and are on site as required by law.

Recommendation (2)

It would greatly improve the public's understanding of SFUSD and bilingual education in general if more was done in terms of informing the public as to the waiver allowance as well as the pedagogical value SFUSD perceives in the Dual Language Educational model. SFUSD should explore the various public relation avenues in this regard.

Required Response

Board of Education
Superintendent of Schools

SFUSD IMPLEMENTATION OF PROPOSITION 227

Conclusion (3)

There is still some doubt in the mind of the Civil Grand Jury as to the ability of the City Attorney's Office to avoid conflicts of interest in its capacity as counsel for the San Francisco Civil Grand Jury, particularly in the area of counsel representing various city departments under investigation.

Recommendation (3)

The City Attorney should direct all attorneys employed by her office that there should be no communication between them and the counsel representing the Civil Grand Jury on any substantive matter including the time or date of any particular interview. Finally, the incoming Civil Grand Jury should be particularly vigilant in this area realizing that any indiscretions on the part of counsel are part of a continuing problem and not an isolated incident.

Required Response

City Attorney

SFUSD IMPLEMENTATION OF PROPOSITION 227

APPENDIX A

Forms used by both educators and parents in connection with the
LALAR/LPAAAC process

CONSENT FORM: ENGLISH LANGUAGE LEARNER (LEP STUDENT) IN ENGLISH PLUS PROGRAM

SFUSD

「學習英語學生」(或「英語不流利學生」)參加
「英語及其他語言兼修計劃」同意書

San Francisco Unified
School District

135 Van Ness Avenue
San Francisco, CA 94102
415-241-6000

TO : THE PRINCIPAL OF (ENTER NAME OF SCHOOL) 學校校長 (請填學校名稱)

送呈

FROM : NAME OF PARENT/GUARDIAN 家長/監護人姓名

填表人

ADDRESS OF PARENT/GUARDIAN 家長/監護人地址

SUBJECT
學生資料

PROGRAM PLACEMENT 選擇教育計劃

NAME OF STUDENT 學生姓名

LANGUAGE 母語

GRADE 班級

REQUEST IS FOR SCHOOL YEAR 申請年度

☐ 1998-1999

☐ 1999-2000

☐ 2000-2001

I am the parent/legal guardian of the English Language Learner child named above. I request and consent to the placement of my child in an English Plus program (English plus another language), also known as a bilingual program. I understand that the instruction, textbooks, and teaching materials in this program are in English and in my child's primary language.

本人為上述「學習英語學生」的家長/監護人。本人請求和同意把我的子女編入「英語及其他語言兼修計劃」(即同時以英語和一種其他語言教學),亦即雙語教育計劃。我明白這個教育計劃的教學語言、教科書和教材,都是使用英語和我子女的母語。

I have marked the program of my choice with an "X."

- ☐ Dual Language Enrichment only at schools designated in the enclosed Program Description sheet.
- ☐ Immersion Program at Alice Fong Yu only.
- ☐ Two-Way Program for students enrolled at designated schools offering this model.

本人在下面用「X」號標明所選擇的教育計劃:

- ☐ 在本同意書附件內標明的學校所開辦的「雙語增修班」。
- ☐ 只在尤方玉屏學校開辦的「融入式雙語班」。
- ☐ 只在指定學校所開辦的「雙向雙語班」。

SIGNATURE OF PARENT/GUARDIAN 家長/監護人簽名

DATE 日期

DO NOT WRITE BELOW THIS LINE (請勿填寫以下部分)

Approved

SIGNATURE OF PRINCIPAL

DATE

SIGNATURE OF DEACON/CLERK

DATE

Important: School must complete Educational Opinion form and attach it to this Consent Form.
Original to Student's Community Center • 2nd Copy to Language Academy

CONSENT FORM: ENGLISH LANGUAGE LEARNER
(LEP STUDENT) IN ENGLISH-ONLY PROGRAM

SFUSD

San Francisco Unified
School District

135 Van Ness Avenue
San Francisco, CA 94101
415-241-6000

「學習英語學生」(或「英語不流利學生」) 參加
「英語專修計劃」同意書

TO : THE PRINCIPAL OF (ENTER NAME OF SCHOOL) 學校校長 (請填學校名稱)

送呈

FROM : NAME OF PARENT/GUARDIAN 家長/監護人姓名

填表人

ADDRESS OF PARENT/GUARDIAN 家長/監護人地址

SUBJECT 學生資料: PROGRAM PLACEMENT 選擇教育計劃

NAME OF STUDENT 學生姓名

LANGUAGE 母語

GRADE 班級

REQUEST IS FOR SCHOOL YEAR 申請年度

☐ 1998-1999

☐ 1999-2000

☐ 2000-2001

I am the parent/legal guardian of the English Language Learner child named above. I request and consent to the placement of my child in an English Only program, also known as Intensive English (ESL + SDAIE). I understand that the instruction, textbooks, and teaching materials in this program are in English and methods are appropriate for second language learners.

本人為上述「學習英語學生」的家長/監護人。本人請求和同意把我的子女編入「英語專修計劃」,又名「密集英語計劃」(即「英語為第二英語班」和「特別學術英語教學班」)。我明白這個教育計劃的教學語言、教科書和教材,都是使用英語和適合教導學生學習第二語言的方法。

SIGNATURE OF PARENT/GUARDIAN 家長/監護人簽名

DATE 日期

DO NOT WRITE BELOW THIS LINE (請勿填寫以下部分)

Approved

SIGNATURE OF PRINCIPAL

DATE

SIGNATURE OF LPAAC CHAIR

DATE

Important: School must complete Educational Opinion Form and attach it to this Consent Form.
Original to: Students Cumulative Folder • 2nd Copy to: Language Academy

EDUCATIONAL OPINION OF SCHOOL PRINCIPAL AND INSTRUCTIONAL STAFF

SFUSD

San Francisco Unified
School District

135 Van Ness Avenue
San Francisco, CA 94102
415-241-6000

NAME OF STUDENT

SCHOOL

GRADE

TEACHER

It is the informed belief of the principal and instructional staff that the statement(s) checked below reflect the educational needs of your child. One or more check marks next to items 2-7 would support a placement pursuant to California Education Code 11303.

- ☐ 1. Student would benefit from an Intensive English Program.
- ☐ 2. Student is not able to maximize his/her potential because he/she is not able to understand sufficient English to comprehend and complete assignments.
- ☐ 3. Student is not able to maximize his/her potential because he/she is not meeting district standards in identified areas in English which may be irreparably detrimental to his/her educational performance.
- ☐ 4. Student is exhibiting poor self-esteem and social adjustment because he cannot actively engage in instruction only in English.
- ☐ 5. Student needs primary language as instruction indicated in his/her IEP.
- ☐ 6. Parent has requested a bilingual program in order to obtain bilingualism and biliteracy for their child who is an English speaker already.
- ☐ 7. Parent has requested a bilingual program in order to obtain bilingualism and biliteracy for their child.

Recommended Placement

- ☐ **Dual Language Enrichment** at schools designated in the enclosed Program Description sheet.
- ☐ **Immersion Program** at Alice Fong Yu only.
- ☐ **Two-Way Program** for students enrolled at designated schools offering this model only.

DO NOT WRITE BELOW THIS LINE

Approved.

SIGNATURE OF PRINCIPAL

DATE

SIGNATURE OF LPAAC CHAIR

DATE

SIGNATURE OF SUPERINTENDENT/DEPUTY

DATE

Important: School must complete Educational Opinion Form and attach it to this Consent Form
Original to: Student's Cumulative Folder • **1st Copy to:** Language Academy • **2nd Copy to:** Parent/Guardian

SHERIFF'S DEPARTMENT

Report of the
1999-2000 San Francisco Civil Grand Jury

SHERIFF'S DEPARTMENT

OVERALL SUMMARY

California Penal Code Section 919(b) mandates that each county civil grand jury "inquire into the condition and management of the public prisons within the county." This report is presented in three sections: jail conditions (beginning P.2); handling of inmate property (beginning P.14); and the inmate grievance procedure (beginning P. 21).

In general, the Civil Grand Jury finds that the physical conditions of the older jails and problems with food, laundry, telephone and medical services add to the stresses of living and working in the jails for both inmates and staff. A reported staffing shortage in the Sheriff's Department exacerbates the problems, resulting in reduced exercise time for inmates, overworked deputies, and large overtime and worker's compensation expenditures for the department. The construction of a new jail to replace County Jail #3 in San Bruno should greatly improve conditions for inmates presently housed in the old County Jail #3. However, the anticipated new jail should not be an excuse for delay in correcting ongoing problems at County Jail #3 and the other facilities.

The Civil Grand Jury also investigated how inmate property is catalogued and held for inmates and how inmates file grievances and obtain redress for official misconduct or mistreatment. The Civil Grand Jury finds that both the property cataloging and grievance procedures need to be altered in order to better protect the property and rights of inmates.

SHERIFF'S DEPARTMENT

I. JAIL CONDITIONS

Summary

In the summer of 1999, inmate complaints about overcrowding, poor conditions, and alleged mistreatment in the jails culminated in an organized protest by inmates during which inmates threw their breakfast trays on the floor, yelled at deputies, kicked cell doors, and acted out aggressively. For a brief time, the media focused their coverage on jail conditions and the Board of Supervisors held hearings.

When the Civil Grand Jury visited the jails several months later, as well as in the spring of 2000, the Civil Grand Jury found the situation in the jails to have improved since the June 3, 1999 protest. Last summer, the overcrowding in the jails was so severe that many inmates were forced to sleep on the floors of jail cell blocks (also known as "tanks") and even in the prison gym at the Hall of Justice. Today, with the exception of a handful of women inmates in County Jail #9, almost all inmates are sleeping in bunks. While relief from overcrowding is partially due to fluctuations in the inmate population, changes in jail administration were also made to defuse the immediate, tense situation. However, as described below, more needs to be done to improve conditions in the jails and ensure the smooth and just operation of San Francisco's jails, which is vital if effective rehabilitation of criminals is to occur.

Background

The San Francisco Sheriff's Department reported that it currently has a uniformed staff of approximately 780 (with approximately 25 vacancies, the department has a total of 805 funded uniformed positions) and a civilian staff of 133. Together, the uniformed and civilian staff fulfill the department's primary responsibilities of operating the County's jails, providing security for the trial courts, the Youth Guidance Center, and City Hall, and enforcing civil judgments. Around 80 percent of the department's staff either work in the jail facilities or in connection with the placement and maintenance of inmates in custody.

On any given day, the jails house an average population of 2,200 inmates. These inmates are either serving their sentences (for periods up to one year) or awaiting trial. Approximately 600 additional people are not in custody, but are participants in alternative programs offered by the department, such as home detention or assignment to the Sheriff's Work Alternative Program.

SHERIFF'S DEPARTMENT

Methodology

The Civil Grand Jury toured the jails, interviewed inmates, Sheriff's Department personnel, inmate advocates, a legislative consultant, and Public Utilities Commission staff, and reviewed applicable laws and regulations. The Civil Grand Jury also reviewed official reports from the Department of Public Health, State Board of Corrections, San Francisco Controller's Audits Division, Sheriff's Department, and past civil grand juries, as well as media coverage of the Sheriff's Department.

Conclusions and Recommendations

The specific conclusions of the Civil Grand Jury on each of the jails visited follow below.

A. County Jails #1 and #2

County Jails #1 and #2 located at the Hall of Justice have noticeable problems with ventilation and air flow which cause great discomfort to staff and inmates, especially in hot weather. The kitchen and laundry facilities, in particular, are difficult to work in on hot days because of the heat emanating from the appliances and the hot water used to wash dishes and clothes. Civil Grand Jury members observed only two fans were present in the kitchen, which were ineffective in circulating the air in the area.

Recommendations

The ventilation problem at County Jails #1 and #2 should be corrected or at least alleviated in some way. Common sense suggests that working in hot, airless conditions often leads to short tempers and aggression, two things which are volatile in a penal setting. The Sheriff's Department should look into short-term and long-term solutions to improve the ventilation in these facilities.

Required Response

Sheriff's Department

B. County Jail #3

Opened in 1934, County Jail #3 is the oldest jail in operation in California. Despite its age, for the most part the jail is clean and functional. The need for a new jail is obvious to all concerned and has been so for years, as documented by the findings of a federal district court and previous Civil Grand Jury and other official reports. Notwithstanding this, this Civil Grand Jury points out specifically

SHERIFF'S DEPARTMENT

that the showers in County Jail #3 are in disrepair, with leaking floors, broken tiles, and dirty shower curtains. As with County Jails #1 and #2, there is a problem with ventilation and air flow. Further, the work order system for getting repairs done in the facility is inefficient, with problems noted by staff on work order forms which are routed from supervisor to supervisor before being approved. Because of this system, minor problems can take days and even weeks to be fixed. Lastly, inmates are currently allotted three hours each week of "yard time," during which they are allowed to exercise in the fenced yards behind the jails. Inmates are entitled to the three hours of exercise time per week by court order. However, this is a minimum amount that could be increased by the Sheriff if he chose. While the Civil Grand Jury recognizes that additional yard time adds to the work burdens of deputies (who need to move inmates to and from the cell blocks, keep track of inmates while they are outside of the cell blocks and in the yards, and keep rival gangmember and troublesome inmates apart), providing more opportunities to exercise and spend time outdoors would benefit inmates housed in the unventilated cell blocks and cramped cells of this particular jail. Additionally, "vulnerable" inmates such as gay and transgender inmates who are kept in administrative segregation for their protection often do not get even the minimum three hours per week because of the extra work for deputies in scheduling times that do not conflict with the times for the general inmate population.

Recommendations

In the interests of inmate safety and hygiene, the showers should be repaired and the ventilation should be improved in all of the cell blocks in County Jail #3. A review of the work order system should be conducted to streamline the process for getting small repairs taken care of in the jail. Lastly, all inmates should be allotted more "yard time," provided that security and other staffing concerns are addressed.

Required Response

Sheriff's Department

C. County Jail #8

County Jail #8 is one of the new jails located at 425 7th Street in the South of Market area of the City. This jail offers programs for inmates and focuses on skill-building and decision-making in order to prepare inmates for their return to society. Several tuberculosis (TB) isolation cells are available in this jail to house infected inmates. These cells reportedly do not meet health and safety requirements with respect to air volume turnover rate and air pressure (needed to prevent spread of the air to other areas of the jail). According to Sheriff's Department personnel, the jail medical facility located at San Francisco General

SHERIFF'S DEPARTMENT

Hospital also has the same problem with its cells and must house inmates in unsecured rooms guarded by deputies around the clock.

Recommendation

Given the high costs of quartering TB-infected inmates in other locations, the existing cells should be retrofitted to comply with all applicable regulations. Additionally, because inmates are disproportionately low-income persons who have lacked consistent medical care prior to incarceration and who often have pre-existing medical conditions, there is a real possibility that more inmates will become infected with TB or other contagious diseases. As a public health issue, as well as a jails issue, there is a need to plan for additional isolation cells for use by Jail Medical Services to hold infectious inmates. The retrofitting of the TB isolation cells should be undertaken as soon as possible and a plan for addressing the future needs of Jail Medical Services in holding and treating infectious inmates should be prepared.

Required Response

Sheriff's Department

D. County Jail #9

County Jail #9 is also located at the new building at 425 7th Street. Serving as the booking and intake/discharge jail, County Jail #9 books approximately 150 inmates every day, with peak booking times occurring at 10 p.m. and 2 a.m. Specifically, Civil Grand Jury members noted that the women's section in this jail is overcrowded. Several women inmates are forced to sleep on the floor as there are not enough beds. Interestingly, a number of deputies (male and female) indicated that they prefer working with male inmates, stating that female inmates are more disruptive and exhibit more aggressive and violent behavior than the male inmates. Whatever the reasons are for this behavior, the overcrowded condition of the women's section undoubtedly adds to the problem.

Recommendations

A plan to reduce the overcrowding in the women's section of County Jail #9 and to address the future needs for housing a growing population of female inmates should be prepared by the Sheriff's Department. The Sheriff's Department should also investigate the causes (e.g., mental illness, jail conditions) which lead to the disruptive and aggressive behavior of female inmates and implement a harm-reduction policy to better protect inmates and staff from problem inmates.

SHERIFF'S DEPARTMENT

Required Response

Sheriff's Department

E. County Jail #7

County Jail #7 is the San Bruno program facility that houses 336 inmates. With an average length of stay of 45 days, inmates participating in County Jail #7's various rehabilitation programs (such as the drug treatment program Roads to Recovery, the domestic violence program Resolve to Stop the Violence Project, and English as a Second Language (ESL), general equivalency diploma (GED), and adult basic education programs) purportedly have a far lower recidivism rate than inmates who do not participate in these programs.¹ Open slots in County Jail #7's program beds are filled by inmates housed at County Jail #3 next door. Eligible inmates are identified by deputies and program staff (who are non-deputized and non-uniformed Sheriff's Department personnel), based on classification and other factors such as behavior while in jail, or placed in the programs through court-mandated participation. Inmates can also be removed from programs upon the recommendation of deputies and program staff. Inmates have alleged that the current process for program participation allows deputies and program staff to penalize certain inmates (such as homosexual or transgender inmates or inmates who file grievances against staff) by denying them the opportunity to participate in a program (and therefore be housed in the newer facility). Inmates separated from the main population because they are "vulnerable" are also prevented from participating in the programs because they cannot mingle with other inmates in County Jail #7's "pod" housing (where inmates eat and sleep together in an open, dorm-like room monitored by deputies, as opposed to in cells).

Recommendations

The process by which inmates are selected to participate in the rehabilitation programs should be reviewed to eliminate the possibility that an inmate may be unfairly denied participation in or removed from a program without proper justification. Reasonable accommodations should be made to allow vulnerable inmates to participate in the programs.

Required Response

Sheriff's Department

¹ See, e.g., S.I.S.T.E.R. (Sisters in Sober Treatment Empowered) Program Recidivism Study Report, Clearinghouse for Drug Exposed Children, University of California, San Francisco, April 1996.

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F. Newly-Installed Jail Telephone System

In March of 2000, the installation of a new jail telephone system in all of the county jails was completed. Instead of the old coin-operated telephone system, all of the jails now have new telephones which allow inmates to place collect and debit calls (calls paid for with cash held in an inmate's commissary account). A new, non-coin-operated telephone system was necessary because the contract for the old system expired and could not be renewed and because the presence of coins in the jails led to problems of theft and extortion amongst inmates.²

Virtually all of the inmates with whom Civil Grand Jury members spoke complained about the new telephone system, the installation and implementation of which has been plagued with computer glitches and equipment problems. The Sheriff's Department and the vendor have reportedly fixed the installation problems. Inmates, however, are most upset that the cost of making a local call has increased more than seven times the previous \$0.35 cent rate.

A local call in the 415 area code now costs inmates \$0.75 cents for three minutes. Every minute after the first three minutes is billed at \$0.15 cents per minute. No phone call may last longer than 15 minutes. A 15-minute phone call therefore ends up costing \$2.55.³ The Sheriff's Department claimed that the high charge reflects several factors, among them a state Public Utilities Commission (PUC) additional surcharge which the PUC places on all calls made by inmates from jail. Thus, all calls, whether collect or debit (i.e., paid for by inmates using personal identification numbers (PINs), will cost more than a collect or calling card call placed by someone outside of jail.

The new system operates through the use of a PIN, which each inmate is given upon entering the jails. This PIN must be entered every time an inmate places a call from a pay phone located in a cell block. The charge for the call is then deducted from the inmate's commissary account, which holds money deposited by friends or family or other third parties. If an inmate makes a collect call, the person receiving the call must accept the charges. Phone dialing instructions are posted in the cell blocks and inmates are instructed how to use a PIN and the phones and told about the cost of calls.

² While most other counties in California provide a collect-call-only telephone system to inmates, the San Francisco Sheriff's Department wanted to give inmates an alternative in the form of debit calls, which are a somewhat cheaper alternative to collect calls. Debit calls also allow inmates to continue to contact people and agencies such as the Veteran's Administration, drug treatment programs, community resources, and parole officers who do not accept collect calls. Another benefit of the new system is that it allows the Sheriff's Department to monitor calls through tape-recording. With the exception of calls to lawyers, clergy, and medical doctors in order to maintain inmate confidentiality privileges, calls made by inmates within the jails may legally be monitored and tape-recorded. The Sheriff's Department stated that such monitoring and tape-recording is necessary in order to gather evidence about criminal activity within the jails or for ongoing criminal investigations.

³ By contrast, a 15 minute local toll phone call made from someone's home phone using Pacific Bell is likely to cost only \$0.90 (15 minutes times \$0.06 cents per minute).

SHERIFF'S DEPARTMENT

Although the Sheriff's Department reported that it did not expend any county funds to create or install the new system (the costs of which were paid for by the vendor), the Sheriff's Department does receive funds in the form of commissions and bonuses from the telephone vendor. This practice is not uncommon in the contracting for jail and prison telephone services. As documented in articles in local and national newspapers,⁴ several states take bids on their prison telephone service contracts, which go to the service provider paying the highest commissions. The State of California reportedly received \$16 million in 1999 and is likely to receive in excess of \$20 million from the telecommunications providers for the state prison telephone system for the year 2000. Similarly, the April 22, 1999 contract for jail telephone service, executed between the Sheriff's Department and the service provider PCS Public Communications Services (PCS) of West Los Angeles, provides for the Sheriff's Department to receive a "set commission" of \$0.30 cents per "local" debit telephone call placed from the jails. A copy of relevant sections of the Sheriff's Department contract with PCS is attached as Attachment 1.

The contract also allows the Sheriff's Department to increase the \$0.75 cent-initial rate for the first three minutes of a call when it chooses and the amount of the increase will be directly added to the Sheriff's Department's commission "on a one-to-one basis." For all collect local and toll calls (non-long distance calls), the Sheriff's Department receives 35 percent of the total of all gross chargeable revenues generated by use of such telephones for those calls. For all long distance calls, the percentage is increased to 40 percent. Last but not least, the Sheriff's Department is also paid an additional annual bonus of \$5,000, the first payment of which was due three months into the contract and thereafter every February 1st. Thus, at the end of the five-year contract, the Sheriff's Department will have realized a \$25,000 bonus paid by PCS.

By state law (Penal Code Section 4025(d)), any money, refund, rebate or commission received by a county sheriff from a telephone company or pay telephone provider and attributable to inmate use of telephones while incarcerated must be deposited into the Inmate Welfare Fund. Money deposited into the Inmate Welfare Fund must primarily be spent for the "benefit, education, and welfare" of the inmates, but may also be spent for jail maintenance and essential clothing and transportation expenses for indigent inmates about to be released from jail (Penal Code Section 4025(e), (i)). The commission and bonus checks to which the Sheriff's Department is entitled under the terms of the PCS contract are to be made out to the Sheriff's Bureau of Building Services.

⁴ "Captive Audience Rates High; Families Must Pay Dearly When Inmates Call Collect," by Paul Duggan, The Washington Post, January 23, 2000, Page A3; "Senators Urge End To Fees On Prison Calls," by Deborah Solomon, San Francisco Chronicle, August 17, 1999 (<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1999/08/17/MN16256.DTL>); "Heavy Toll On Calls From Prison," by Deborah Solomon, San Francisco Chronicle, June 14, 1999 (<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1999/06/14/MN53919.DTL>).

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Although the use of these funds may lawfully be directed to Building Services functions that indirectly benefit inmates through facility maintenance, inmates would no doubt prefer to benefit more directly from the funds obtained through the contract by paying less for phone calls.

Higher phone call costs are a particularly hard burden on inmates and their friends and families, who tend to be low-income. If, as reported by a 1998 study by the Florida House of Representatives, inmates who keep in contact with friends and family during their incarceration have a reduced rate of recidivism, discouraging telephone calls by inmates is bad public policy. By making the cost of keeping in touch with people on the outside prohibitive, the Sheriff's Department essentially erects an artificial barrier to rehabilitation.

Recommendations

1. The Sheriff's Department should publicly report on the basis of the high cost of calls made through the jail telephone system and the use of the commission and bonus funds received from the vendor for the Inmate Welfare Fund.

The Sheriff's Department claimed that the high cost of the calls was set by the vendor in conjunction with the PUC, which allegedly places a surcharge on all calls made from county jails. An "inmate surcharge", ranging from \$1.15 to \$3.95 per call, is placed on all calls made from inside of the jails, with the exception of local debit calls (see PCS Rate Sheet, Attachment 2). The Civil Grand Jury was unable to obtain information from the Sheriff's Department or the PUC office in San Francisco about the inmate surcharge and, specifically, the purpose and authority for the collection of that surcharge. A report from the Sheriff's Department detailing the basis for the cost of the calls is required to fully understand and document the various surcharges and taxes applied to the calls and paid for by inmates and their families.

Required Response

Sheriff's Department
Sunshine Ordinance Task Force

2. The Board of Supervisors should enact legislation similar to California Senate Bill 1978 regulating the award of the jail telephone service contract for the county jails.

Senate Bill 1978, introduced by Senator Tom Hayden in February 2000, seeks to enact legislative findings and declarations about the provision of telephone services to wards of the Department of the Youth Authority or to

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inmates in state prisons. More importantly, the bill would require that any contract to provide such telephone services be negotiated and awarded in a manner (i) to provide for the lowest possible costs to wards and inmates, (ii) to pay for any expenses of the Department of Corrections and the Department of the Youth Authority, as well as for the reasonable costs of the Department of General Services for establishing and administering the telephone contract, and (iii) so that profits to these departments or the state are not be a basis for awarding a contract. Because this bill, if passed, apparently will apply only to the state prison system, similar legislation at the county level is needed in order to ensure that the telephone service contract for the county's jails puts the interests of inmates and their families first and foremost.

Required Response

Board of Supervisors
Sheriff's Department

G. Medical Treatment of Inmates

On June 28, 1999, inmate Vincent Hines was found dead of a heart attack in his cell by deputies doing a scheduled walk-through of the cell block. Mr. Hines had been placed in lockdown for organizing the June 3 protest by inmates about conditions in the Hall of Justice facilities. A review of the incident reports filed by deputies present at the time reveals that early on the morning of June 28, Mr. Hines was visibly in pain and that he clearly stated to deputies that he was having chest pains. Mr. Hines was taken to see jail medical staff who checked his condition. He was returned to his cell and found dead soon after.

The incident reports indicate that jail medical staff did not give Mr. Hines additional medication or advise him not to self-medicate by taking additional doses of medication he had been prescribed earlier. There appears to be a question as to whether or not sufficient explanation was given to Mr. Hines about the medication he was taking at the time and the pain he was experiencing. Arguably, more care could have been taken with Mr. Hines, who had a history of cardiac problems.

Recommendation

The Civil Grand Jury did not fully investigate the death of Mr. Hines and, therefore, does not make any recommendations here with respect to that matter. However, several inmates to whom Grand Jury members spoke complained that the medical treatment they receive in the jails is cursory and that medical staff respond to emergencies, while disregarding inmates with chronic conditions and sparing little time to listen to or advise them about treatment. Medical grievances

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also represent the greatest number of grievances filed by inmates (see Part III discussion below). The 2000-2001 Civil Grand Jury may want to look at the larger issue of whether or not the medical care received by inmates is adequate.

Required Response

None

H. Food Service

The jail food service contract with Aramark Correctional Services states that inmates should receive two hot meals and one cold lunch (usually sandwiches) every day. State dietitians approve the daily diets and the menus are rotated periodically. Many inmates continue to complain, however, that the amount of food served is inadequate, that the food is often served cold, and that there is no hot water for commissary items such as coffee, tea, and Cup-A-Noodle®.

Recommendation

Efforts in this area, which are relatively economical, could yield significant improvements in inmate perspective and attitude about the conditions of the jails. One inmate mentioned that the practice of rewarding inmates who kept their tank the cleanest with cookies was an effective incentive. Inmates in the jails have long made complaints about the food. The Sheriff's Department should address these complaints to see if the food service can be improved and hot water provided.

Required Response

Sheriff's Department

I. Laundry Service

The Sheriff's Department states that ideally inmates would receive a change of clothing and bedding several times a week. Inmates told Civil Grand Jury members that they do not always receive clean clothes even once a week. Part of the problem is caused by the fact that inmates do laundry for the jails as a work-detail job. Broken equipment (such as the burned-out washer and dryer in County Jail #1) that is not quickly replaced, and low output on the part of those doing the laundry result in backlogs of dirty laundry and shortages of clean laundry.

Another reason for the laundry service difficulty in recent months is that there has been a shortage of clothing for inmates. Penal Code Section 4015 states that

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"[t]he board of supervisors shall provide the sheriff with necessary food, clothing, and bedding, for [all persons committed to jail], which shall be of a quality and quantity at least equal to minimum standards and requirements prescribed by the Board of Corrections for the feeding, clothing, and care of prisoners in all county, city, and other local jails and detention facilities." The contract for inmate clothing goes through the typical government approval and bid process. The Sheriff's Department reported that the successful lowest bidder for the clothing contract in recent years met the minimum clothing requirements, but that this resulted in a supply of cheap, poorly-made clothing that wore out quickly, causing a shortage to develop. When the supplier went out of business, the Sheriff's Department had no recourse against them to obtain replacement clothing.

Recommendations

The Sheriff's Department should look into contracting out laundry service and ending the use of inmates to do the laundry in order to ensure a regular, dependable schedule for the exchange of laundered clothing and bedding. The Sheriff's Department and the Board of Supervisors should also look into the contract bidding process to see if it can be amended to allow for consideration of other factors besides bid price, such as the quality of clothing and customer support provided. Additionally, a stockpile of extra clothing and bedding should be maintained for use in times of increased populations in the jails.

Required Response

Mayor
Board of Supervisors
Sheriff's Department

J. Shortage of Sheriff's Department Staff

In spite of annual increases in funded positions from 818 in Fiscal Year (FY) 1997-1998 to 845 in FY1998-1999 and 897 in FY1999-2000, the Sheriff's Department reports that it has a shortage of deputies in the jails. The department's shortage of staff has apparently resulted in a departmental overtime budget that will be exceeded by \$4.9 million in FY 1999-2000 because deputies have been assigned mandatory overtime shifts. Workers' compensation claims will also cause the department's budget to be exceeded by 40 percent, with at least \$1,370,493 to be paid in claims for the 1999-2000 fiscal year.⁵

A pattern of increased overtime spending by the department is beginning to appear. The November 19, 1999 Controller's Audit of the Sheriff's Department stated that overtime spending for jail staffing increased by more than \$650,000,

⁵ "Sheriffs overstep overtime budget, seek city bailout," Johnny Brannon, The Independent, May 23, 2000.

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or almost 60 percent, over the previous two fiscal years, 1997-98 and 1998-99. This pattern benefits no one. As the Controller's Audit noted, "[i]n addition to its impact on the budget of the Sheriff's Department, prolonged overtime by staff members may lead to fatigue and diminished attentiveness, conditions that can endanger the safety of the staff, jail inmates, and the public."

According to the Controller's Audit, the Sheriff's Department took over responsibility for recruitment and hiring from the Department of Human Resources in 1999. This transfer of responsibility has not solved the staffing problem, however. The tight job market has resulted in a lack of applicants and the economic boom of the private market makes the salaries and benefits that the department can offer less attractive. Almost all City and County departments face this recruitment and hiring problem, but the Sheriff's Department claims to have a more difficult time in attracting and retaining staff because it has direct competition from the higher-paying Police Department. Although the Controller's Audit found that only 9 of the 308 individuals (or 3 percent) hired as deputy sheriffs during the period of July 1994 through January 1998 left the Sheriff's Department within 18 months of joining the department for jobs with the Police Department, the Sheriff's Department states that 40 employees moved to the Police Department during that period.

The reported staffing shortage is allegedly compounded by the fact that more duties are being given to the Sheriff's Department. In addition to providing security for the county trial courts and the Youth Guidance Center, Sheriff's Department deputies are now required to provide 24-hour security for City Hall in order to protect city and county elected officials and employees working late hours.

Recommendations

If, as the Sheriff's Department reports, there is a staffing shortage in the jails, additional resources should be dedicated to the Sheriff's Department in order for the department to hire qualified applicants and retain existing staff. Improving the physical conditions of the jails, thereby alleviating some causes of inmate aggression, will also improve the working conditions of deputies. Lastly, the Sheriff's Department should consider the substitution of security guards for deputies wherever appropriate.

Required Responses

Mayor
Board of Supervisors
Sheriff's Department

SHERIFF'S DEPARTMENT

II. HANDLING OF INMATE PROPERTY

SUMMARY

The Civil Grand Jury conducted an inquiry into the management of the Property Room located in the Sheriff's Department Intake/Release Center (IRC) at County Jail #9. There are approximately 150 bookings per day. It is estimated that there will be 55,000 total arrests in a typical year. All of these will require the handling of property and clothing. The Property Room appears to be efficiently operated, featuring a long, mechanized overhead track on which hang 2,600 numbered garment bags that contain the personal belongings of inmates.

This modernized system has contributed to a reduction in the number of lost property claims filed against the Sheriff's Department. Nevertheless, this new property room, which has existed for only three years, needs more space. It is presently in an overflow situation. Furthermore, additional steps can and should be taken to further reduce the quantity of claims, and insure the proper safeguarding of funds and property.

BACKGROUND

On November 1, 1999, the Civil Grand Jury visited the Property Room located in the IRC at County Jail #9 and interviewed Sheriff's Department personnel. The IRC receives and secures money, clothing and property of all arrested persons entering the San Francisco County Jail System. It is the goal of the IRC to ensure that the belongings of arrested persons are securely stored and to prevent the introduction of contraband items into the jail system. Belongings are supposed to be returned to inmates upon their release. The Civil Grand Jury decided to investigate the property return process.

METHODOLOGY

The Civil Grand Jury visited the Property Room at County Jail #9 and interviewed Sheriff's Department personnel. Also reviewed were the lost property claims from the last five years from both the Sheriff's Department and the City Attorney's Office. Additionally, the Civil Grand Jury reviewed the relevant claim forms, the Sheriff's Department's responses to these claims, and the Property Room Procedure (revised 3/8/99) found in the Operations Manual for County Jail #9.

Furthermore, the Civil Grand Jury extracted 40 claims from the City Attorney's list (more fully described below) and then developed Table 1 in order to provide a quick sampling of that entire listing. This table consists of:

- The 10 claims made for the least amount of money;

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- The 10 claims made for the most amount of money;
- 10 claims made for amounts from \$300 to \$500; and
- 10 claims which the City resolved by paying claimants.

CONCLUSIONS AND RECOMMENDATIONS

A. Lost Property Reports

The table of claims compiled by the Civil Grand Jury below provides an overview of the types of claims for lost property made by inmates. Admittedly, it does not provide the reasons generating the claims, nor the reasons for the disposition of the claims. From our research, however, we draw the following conclusions:

1. Reports on lost property claims were erratic and incomplete. The Sheriff's Department provided a "barebones" list covering the period of 1996 through September of 1999, and presenting only a total of 141 claims. The City Attorney's Office provided a computerized list for the same period presenting a total of 222 claims. The City Attorney Office report also included information about the claimant, the property allegedly lost, and the disposition of the claim. The Civil Grand Jury based our findings upon the analysis of the list from the City Attorney's Office because it was more comprehensive than the list from the Sheriff's Department.
2. Under the current system, some inmates should have filed claims against the Police Department, not the Sheriff's Department, since arresting officers normally confiscate, inventory, and seal arrestees' property other than their clothing.
3. Under the current system, inmates who claim losses while in the custody of the Jail Medical Services should file against the Public Health Department, not the Sheriff's Department.

TABLE 1 - SELECTED CLAIMS AGAINST SHERIFF'S DEPARTMENT (as of 9/22/99)

CLAIM NUMBER	CLAIMANT NAME	INCIDENT DATE	SUBJECT OF CLAIM	CLAIM AMOUNT	AMOUNT PAID
95-04304	Karen A.	04/20/96	\$400 from Supplemental Social Security	\$400.00	\$0.00
95-04305	Noel S.	05/27/96	Hair and tooth brushes, and \$5	6.98	0.00
97-00495	Gerry G.	07/01/96	Soap, deodorant, cocoa butter, washcloth	8.30	0.00
97-00841	Brandon F.	07/19/96	Head scarves	2.00	0.00
97-01149	Abdullah D.	09/09/96	Jeans, polo sweater, Calvin Klein underwear	236.00	100.00
97-01984	Robin J.	12/02/96	Kool Aid, hair grease, jalapeno chips	8.89	0.00
97-02806	Roberto C.	01/06/97	Wallet and contents, green card	10,000.00	0.00

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TABLE 1 - SELECTED CLAIMS AGAINST SHERIFF'S DEPARTMENT (as of 9/22/99)

CLAIM NUMBER	CLAIMANT NAME	INCIDENT DATE	SUBJECT OF CLAIM	CLAIM AMOUNT	AMOUNT PAID
97-02948	Tony F.	09/06/96	Clothing	10,000.00	0.00
97-03077	Charles C.	02/13/97	Bifocals, parole clothes, personal papers	10,000.00	0.00
97-03763	Alvin T.	10/31/96	Wallet, jewelry, clothes	10,000.00	0.00
97-03837	Jerome B.	01/25/97	Cinnamon rolls, Jolly Ranchers, and Snickers	6.01	0.00
97-04348	Jeremy S.	01/28/97	New-age necklace, sunglasses, CDs	10,000.00	0.00
98-00120	Anthony K.	10/27/96	Wedding band with five stones	14.00	0.00
98-00451	Gabriel H., Jr.	08/05/97	Outer/underwear, jewelry, sunglasses	450.00	0.00
98-00468	Amber S.	05/30/97	Tablets, envelopes, postage	14.82	0.00
98-00469	Amber S.	06/21/97	Photocopies of cars and trucks	10.20	0.00
98-00650	David H.	06/30/97	Folger's coffee, Advil, Dial soap	13.16	0.00
98-01213	Marc S.	01/28/97	Clothes (leather shoes and coat)	350.00	0.00
98-01456	Rodolfo R.	05/05/97	Lost weight and hearing, mental anguish	10,000.00	0.00
98-02659	Jennifer S.	11/28/97	Rings, earrings, phone bill, driver's license	180.00	135.00
98-02725	Blaire L.	12/07/97	Stamps, fingernail clipper	4.74	0.00
98-03127	Matthew M.	12/26/97	Air Nike tennis shoes	169.00	169.00
98-03208	William K.	03/20/98	Wolverine boots	100.00	100.00
99-00497	Craig A.	06/16/98	Eyeglasses	303.00	0.00
99-00591	Ray S.	03/28/98	Dentures, pain and suffering, mental anguish	10,000.00	0.00
99-00720	Harleem S.	05/01/98	Visa card, hotel check card, calculator	7,500.00	Open
99-00979	Wayne S.	08/16/98	Leather jacket, cassette/radio, sports bag	310.00	0.00
99-01011	Robert P.	09/16/98	7-Crown whiskey bottle, scarf, notebook, etc.	305.00	0.00
99-01071	David M.	06/26/98	Playboy magazines	36.95	36.96
99-01128	Michael S.	07/27/98	Legal pad, eyeglasses, toothpaste, oil	25.00	25.00
99-01144	Roy W., III	04/23/98	Coat, pants, shirt, Jordan shoes	490.00	0.00
99-01346	Reginald R.	10/08/98	Loss of freedom, job, home, car	10,945.95	0.00
99-01678	Randy D.	07/07/98	Clothes, Walkman, pepper spray, TV, cart	318.00	0.00
99-01983	Roland B.	07/24/98	Food stamps	177.00	88.50
99-02296	Takmenika H.	12/19/98	Deodorant, cocoa butter, powder, pride	6.42	6.42
99-02645	Kennard C.	01/13/99	Jordan shoes	162.00	162.00
99-02916	Harleem S.	04/30/98	Bank card, traveler's card, calculator	7,500.00	0.00
99-03450	Ron Andrews re: David R.	02/10/99	Wheel chair owned by a company	640.00	640.00
00-00342	Patrick O.	09/29/97	3 Levi's, 3 jackets, 2 sweaters, cassette	425.00	Open
00-00944	Lawrence H.	08/10/99	Crucifix, jewelry, money, meds	485.00	Open

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Recommendations

Claims against the City should be reassigned by the City Attorney to either the Police or Health Department after the Sheriff determines the claim was incorrectly filed against his department. The reassignment should commence a new statute of limitations.

Required Responses

City Attorney's Office
Sheriff's Department

B. Inmate Claims

Many inmates claim losses after being transferred from one jail to another for a number of reasons. Their personal property, usually commissary purchases, normally does not accompany them.

Inmate claims, without outside collaboration, are usually denied. For example, Claim Number 98-00120 was for a \$14 wedding band. The Sheriff's Department acknowledged receiving the ring, but was unable to locate it. The Sheriff's Department then recommended that the "claim be paid in the amount of \$100." The City Attorney's record shows the case was closed, but no amount was paid. On the other hand, Claim Number 99-01071 was paid because the inmate's father was able to produce the subscription invoice to Playboy Magazine®. Claim Number 99-01983 received money because a police officer went out of his way to write and confirm that the inmate had the food stamps when arrested. Another Claim Number 99-03450 was paid because the medical equipment supply company confirmed that the inmate was a user of their wheelchair at the time he was arrested and placed in the Sheriff's Department's custody.

Recommendation

In those instances when a claim is for commissary items, the Sheriff's Department should, after verifying the purchase, generally reimburse the inmates with in-kind products. This procedure would short-circuit the costlier, full-blown investigatory claim process, which involves a host of personnel from the offices of the Sheriff, the Controller, and the City Attorney.

SHERIFF'S DEPARTMENT

Required Response

Board of Supervisors
Sheriff's Department
City Attorneys Office

C. Property Room Work Space

Even though the property room is relatively new, its space is already insufficient to accommodate the demands of handling prisoner property. There is a heavy and varied demand put on this facility in the form of (1) female custody property; (2) the lack of booking resources at Southern Station and at the Tenderloin Headquarters that require those arrests to be handled by the IRC; (3) the needs for medical and biohazard material to be stored in special bags in a separate area; and (4) the approximately 55,000 arrests that occur each year. Furthermore, there are bulk storage problems in the facility for such odd sized property as wheelchairs, bicycles, walkers, etc.

Recommendation

Should space become available at the Hall of Justice, consideration should be given to allow the Property Room to use extra space so that any overflow of property can be better tracked and safeguarded. Consideration should also be given to bringing in experts to evaluate the Property Room to insure optimum use of available space.

Required Response

Board of Supervisors
Sheriff's Department
City Attorney's Office

Recommendation

The camera surveillance area should be expanded to cover the Property Intake window, thereby reducing opportunities for arbitrary and punitive behavior, which could be meted out by the constantly rotating staff. Consideration might also be given to conducting an occasional internal sting operation.

Required Response

Sheriff's Department

SHERIFF'S DEPARTMENT

D. Operations Manual

The Civil Grand Jury detected carelessness with respect to details related to the Operations Manual:

- The Sheriff's Department was unable to provide any copies of manuals used prior to the current one.
- Nowhere in the current manual are there instructions about the disposition of unclaimed or non-returned property, yet the Sheriff's Department routinely conducts periodic inventories of "old" property and disposes of such property.
- Roman numerals were used to separate various major phases of staff responsibilities, but they were often incorrect. For example, VIX [sic] was used supposedly to represent both the ninth and tenth phases. These errors then triggered another series of numbering errors.
- Throughout the manual, i.e. (meaning "that is") was used when the correct abbreviation should have been e.g. (meaning "for example").
- Lastly, though minor, apostrophes, when used, were often used incorrectly and at other times were not used when they should have been.

There is no statistical evidence to justify the policy that property from all women in custody must be inventoried. In counting the female names listed on the City Attorney's Office report attached as Attachment 3, only 36 women filed claims during the surveyed five-year period and some of these inmates were repeat claimants. Forty-five percent of these claims were for amounts less than \$100, and only two of the claims were paid by the City.

When one Property Room deputy returned to his desk, we observed many loose dollar bills of various denominations in a locked, but unorganized desk drawer.

All of these combined elements leave the impression that the Sheriff's Department concentrates primarily on the confiscation of inmates' personal belongings and pays insufficient attention to the details of the safeguarding and return of those items to their rightful owners.

Recommendations

The Operations Manual should be reviewed, corrected, and revised. Among the many changes should be the elimination of the requirement that all women must have their property inventoried, a requirement not applied to male inmates. Beyond this, there should be a new section incorporating the issues and disposition of property not returned to the proper owner. Proper procedures for cash handling and safeguarding funds should also be described. Finally, earlier versions of the manual should be retained to protect the legal rights of the City and County.

SHERIFF'S DEPARTMENT

Required Response

Sheriff's Department
Commission on the Status of Women
Sunshine Ordinance Task Force

SHERIFF'S DEPARTMENT

III. GRIEVANCE PROCEDURE

SUMMARY

Section 1073 of California Code of Regulations Title 15, Division 1, Chapter 1, Subchapter 4, Article 6 establishes that at a minimum a local detention facility such as a county jail shall have written policies and procedures for the implementation of an inmate grievance procedure that includes the following:

1. a grievance form or instructions for registering a grievance;
2. resolution of the grievance at the lowest appropriate staff level;
3. appeal to the next level of review;
4. written reasons for denial of grievance at each level of review which acts on the grievance;
5. provision for response within a reasonable time limit; and
6. provision for resolving questions of jurisdiction within the facility.

The Sheriff's Department has such a policy and procedure entitled "Prisoner Grievance Policy and Procedure," also known as Procedure Number F-06 issued June 29, 1995 and revised September 17, 1997 (Attachment 4). While the written policy and procedure meets the requirements of Section 1073, the Civil Grand Jury investigated the Sheriff's Department's implementation of its policy and found that a procedure administered by an Ombudsman who is appointed by and reports to the Sheriff, and who effectively has little discretion or authority to resolve inmate grievances, cannot adequately protect the rights of inmates.

Consideration should be given to establishing an independent office that investigates and handles complaints against the Sheriff's Department, as the Office of Citizen Complaints (OCC) does for complaints involving the San Francisco Police Department.

BACKGROUND

Under the existing grievance system, every inmate has the following rights:

1. the right to grieve any administrative policy or procedure;
2. the right to be given a grievance form upon request;
3. the right to have the grievance logged and directed by the Ombudsman;
4. the right to receive a written response to the grievance;
5. the right to seek formal redress without fear of reprisal;
6. the right to receive grievance responses in a timely manner;
7. the right to appeal decisions to the Undersheriff, Chief, or appropriate supervisor as determined by the Ombudsman (see Policy and Procedure, Attachment 4).

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The grievance process technically starts with an Action Request Form, a form which inmates use to request administrative action such as a money transfer or legal assistance or to make an initial complaint. Inmates are encouraged to fill out this form, but filing an Action Request Form is not a prerequisite to filing a formal grievance. A formal written grievance is filed when an inmate has a complaint about confinement conditions, including jail operation, personnel, or policies. Medical grievances are filed on different forms and handled by Department of Public Health personnel.

The next step in the grievance process is for inmates to request blank forms from deputies. The forms are kept in the jail offices and deputies are supposed to provide them to all inmates who request them. After filling out a form, the inmate gives it back to a deputy, who is then responsible for routing the grievance to the Ombudsman (usually through inter-office mail) or delivering a copy to the facility commander or nurse manager if the grievance is a medical grievance.

Inmates may also write directly to the Sheriff, the Ombudsman, or a facility commander, instead of using a form. However, that written correspondence must still be handed to a deputy in order to be delivered to the addressee.

Upon receiving a grievance, the Ombudsman dates it and assigns it a log number. He then refers it back for a response to the designated supervisor of the jail in which the complaining inmate is held. A designated supervisor is a department staff member designated by the facility commander to respond to the Ombudsman's office in connection with complaints. The designated supervisor responds to the grievance and returns the response to the Ombudsman, who is responsible for forwarding it to the inmate. The inmate then indicates satisfaction with the response or an intent to appeal by returning the grievance to the Ombudsman. Again, the inmate must do this by handing the form to a deputy who is supposed to send it back through inter-office mail. If the Ombudsman deems the appeal has merit, the Ombudsman forwards the appeal to the next higher uniformed level for a final administrative response.

The Ombudsman is not an administrator or a deputy. Although an employee of the department, the Ombudsman is supposed to act as a "neutral third party." The policy claims to give the Ombudsman authority "to investigate any act, omission, decision, practice or any affected policies and/or procedures within the Department." However, the policy goes on to state that the Ombudsman "cannot make policy or procedural changes, but may recommend changes to the appropriate administrator(s)," who choose whether or not to implement the recommendations.

The Ombudsman also has the power to inspect department facilities, to initiate grievances, to make referrals within the department and to other agencies, and to access department records. However, the Ombudsman is specifically excluded

SHERIFF'S DEPARTMENT

from accessing personnel, background, and internal affairs records. This exclusion is significant because the Ombudsman does not handle grievances that involve possible disciplinary action of deputies. Instead, the Sheriff's Department's Internal Affairs Division investigates complaints of alleged violations of law or departmental rules and regulations by staff.

If an inmate "grieves" a staff person, the Sheriff's Department handles the grievance as a personnel matter that is held to be confidential, meaning that an inmate will not be advised of the outcome of the situation. The Directions For Filing A Grievance (attached as Attachment 5), as typed on the back of the grievance form, states: "*If it is necessary*, a matter will be referred to Internal Affairs for an investigation." (emphasis added) The natural question arises: who decides when it is necessary? The written policy states that staff misconduct grievances are to be handled by the Ombudsman, designated supervisor, and "if necessary," the Sheriff's Department's Internal Affairs Division. In practice, the "handling" by the Ombudsman involves little more than forwarding such grievances directly to the designated supervisor and/or the Internal Affairs Division. The Ombudsman has no authority to decide these complaints and any appeals are forwarded to the Chief Deputy Sheriff.

Deputies have the power to "write up" an inmate, which, like a school demerit, leads to an inmate remaining in custody longer or being put into administrative segregation. Interviewed inmates stated the fairly common belief that filing grievances is a pointless exercise, that only trivial grievances are resolved in the inmates' favor, and that they may later be "blacklisted" or "written up" by deputies for filing grievances.

According to the Sheriff's Department's Ombudsman, there were a total of 2,808 grievances filed during the period of September 1999 to June 19, 2000. A breakdown of the grievances by type is presented in Attachment 6. Medical grievances represent the largest category of grievance (454 of 2,808), with complaints about food the second largest category of grievance (152 of 2,808). Grievances related to the new telephone system (147) and jail staff (146) make up the third and fourth largest categories. It should be noted that the number of telephone-related grievances underreports the actual number of complaints about the new system as inmates also send these complaints directly to specially designated department staff, thereby bypassing the grievance procedure.

METHODOLOGY

The Civil Grand Jury visited the jails, interviewed inmates, Sheriff's Department personnel, and prisoner rights advocates, and reviewed official reports of the Department of Public Health, the State Board of Corrections, past civil grand juries, and the October 20, 1999 "Statement of Concern Regarding Current Conditions In the San Francisco County Jails" issued by the Ella Baker Center for

SHERIFF'S DEPARTMENT

Human Rights, as well as media coverage of the Sheriff's Department and the county jails.

CONCLUSIONS AND RECOMMENDATIONS

1. Inmates currently have to ask for grievance forms from deputies and return the filled-out forms to deputies to be mailed or put in a box for collection by the Ombudsman.

The potential for abuse in this process is clear. Not only does having to ask their jailers for grievance forms very likely deter inmates from filing grievances, but after having filled out the form, the inmate cannot be assured that the grievance will be delivered and received by the Ombudsman. Additionally, given the lag time between filling out a form and the delivery time for county government inter-office mail, by the time the Ombudsman receives a grievance form, the filing inmate is likely to have been released from jail as many inmates are released after three days.

Recommendation

The Ombudsman should make weekly rounds to each jail and personally hand out and receive grievance forms from inmates.

Required Response

Sheriff's Department

2. The office of the Ombudsman is essentially a perfunctory administrative function, primarily involving the receipt and processing of grievance forms, that does not provide for the adequate protection of the rights of inmates.

The Ombudsman ostensibly determines if an inmate has a legitimate grievance that requires a response. He receives grievances, logs them in, and forwards the forms to designated supervisors. When a supervisor responds, the Ombudsman returns the response to the inmate. According to the Prisoner Grievance Policy and Procedure, the Ombudsman can take further "action," but in practice this merely means forwarding an appeal to the next uniformed level. There is only one Ombudsman for all of the county's jails. The present Ombudsman is a longtime non-uniformed employee of the Sheriff's Department. Several inmates to whom Civil Grand Jury members spoke complained that the Ombudsman does not interview inmates who file grievances and only talks to the deputies and facility commanders when investigating grievances. Some

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may perceive the Ombudsman's long-standing relationships with deputies and commanders as an asset to the position in that such relationships can facilitate the Ombudsman's investigations. However, in the view of the Civil Grand Jury, such a tightly-knit connection places inmates at a distinct disadvantage in the process and contradicts the need for independence and neutrality on the part of the person holding the position of Ombudsman.

Recommendation

A review of the Grievance Procedure, including the appointment of the Ombudsman by the Sheriff, should be conducted, with serious consideration given to the idea of creating an independent watchdog agency similar to the Police Department OCC, which investigates complaints against the police, or reinstating the Advisory Committee on Adult Detention to administer the grievance process.

Presently, there is no outside recourse for citizens who want to register a complaint against Sheriff's Department deputies for misconduct. The grievance procedure is limited to inmates while in custody and, as described above, is dictated by internal departmental policies and resolved within the department itself. However, grievances involving staff misconduct are precisely the kind of grievances that demand independent oversight. Because of the seriousness of the charges and the potential for harm to inmates who continue to be incarcerated under the care and supervision of Sheriff's Department deputies, these grievances should be handled by a truly independent office as opposed to an internal division of uniformed deputies.

According to one newspaper account, the Mayor himself has pledged to establish such an office to handle complaints about the conduct of Sheriff's Department deputies. The San Francisco Sunday Examiner and Chronicle reported on February 6, 2000 that during the Mayor's February "open door" day, the Mayor vowed to change the status quo after hearing a woman's story about her brother's alleged beating by deputies and her attempt to register a complaint to the OCC, which turned her away because the office only handles matters related to the Police Department.

Staffed by civilians who have never been San Francisco police officers, the OCC is supervised by the Police Commission and has the power to interview witnesses and officers, review police department and other records, and preliminarily dispose of complaints. The disposition of a complaint by the OCC can be appealed to the Chief of Police, who reviews the complaint for further action such as forwarding to the Police Commission for a formal administrative hearing. Even if the Chief does

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not choose to do so, the director of the OCC can elect to forward a complaint to the Police Commission.

An independent office set up like the OCC could receive and investigate complaints, make policy recommendations, engage in community outreach, and report on the Sheriff's Department. Inmates, family members, and concerned citizens would be assured of a public forum in which their grievances would be heard. The majority of inmates serving time in jail are non-violent offenders (the Sheriff's Department reports one-third of all inmates are in jail for drug crimes and another one-third for property-related crimes such as theft and fraud) who will return to society and hopefully be rehabilitated. Rehabilitation requires that former criminals in part "buy into" and adhere to the social institutions and laws which we live by. They are far less likely to do so when they see the penal system failing to hold their own to account for misconduct.

Also, the Advisory Committee for Adult Detention should be reinstated to administer the grievance process for the county jails. Section 13.70 et seq. of the San Francisco Administrative Code establishes an Advisory Committee for Adult Detention that is charged to annually inspect City and County adult detention facilities. Pursuant to Section 13.75, the committee is directed to focus its inspection of those facilities on the "conditions of inmate employment, detention, care, custody, training and treatment." The Board of Supervisors last appointed members to the 8-member committee in 1994. In addition to the Board-appointed members, two members are appointed by the Sheriff, two by the presiding judge of the Superior Court, and two by the Health Commission. Given the diversity of members and the committee's inspection and reporting mission, the Advisory Committee on Adult Detention may be the appropriate body to assume the inmate grievance investigation and reporting responsibilities that now lie with the office of the Ombudsman.

Required Response

Mayor
Board of Supervisors
Sheriff's Department

SHERIFF'S DEPARTMENT

ATTACHMENT 1

San Francisco Sheriff's Department
and
PCS Public Communications Services
"Inmate Telephone Service Agreement"
dated 04/20/99



San Francisco Sheriff's Department

INMATE TELEPHONE SERVICE AGREEMENT

This Agreement is between the San Francisco Sheriff's Department, currently located at Room 456 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 (hereafter known as "Customer") and:

PCS Public Communications Services
11859 Wilshire Blvd. Suite 600
West Los Angeles, CA 90025
(hereafter known as "Vendor").

1. Vendor agrees to place and maintain, at its own expense, a debit system pay telephone system (hereafter known as "Vendor's Telephone System", "Vendor's System", or "System") for the San Francisco County Jail System, (hereafter known as "Customer's Facilities". The debit system pay telephones shall hereafter be known as "Vendor's Telephones". Vendor agrees to install and maintain a minimum number of Vendor's Telephones at Customer's Facilities, in the numbers, as indicated below. The Vendor agrees to increase the number of Vendor's Telephones at Customer's Facilities, and/or at other Customer's Facilities, at Customer's request, subject to the terms and conditions set forth herein for the initial installation of Vendor's Telephone System.
 - a. County Jail #1 - 6th floor of the Hall of Justice, 850 Bryant St. SF - 52
 - b. County Jail #2 - 7th floor of the Hall of Justice, 850 Bryant St. SF - 50 & 2 mobile phone units.
 - c. County Jail #3 - 1 Moreland Drive, San Bruno, CA - 80
 - d. County Jail #7 - 1 Moreland Drive, San Bruno, CA. - 26
 - e. County Jail #8 - 425 Seventh St. SF - 44
 - f. County Jail #9 - 425 Seventh St. SF - 26
 - g. Treasure Island Brig - 8
2. Vendor shall furnish and install a complete and satisfactorily operating prisoner telephone debit system. Customer shall make the sole determination of whether or not the System is operating satisfactorily as specified elsewhere herein. Components of this system include, but would not be limited to: new telephones, conduit, wire, telephone cutoff switches (one per telephone) and switch panels, backboards, pedestals, cabinets, other mounting equipment and devices, punch blocks and other connecting equipment, computers and file servers, modems, monitoring stations, access terminals, archiving and play-back equipment, UPS, and telephone instruments as may be required in order to provide the number of Vendor's Telephones in the Customer Facilities indicated above.
 - a. Vendor shall provide all components, materials, and labor to completely design, engineer, install, program, test, adjust, and maintain the System.

- b. Vendor shall install all components of the system at locations within Customer's Facilities as approved by Customer.
 - c. Vendor may, with the permission of Customer, utilize any existing conduit and wire, or other components that were part of the prisoner pay telephone system existing prior to this agreement, and which were left in place pursuant to prior agreements.
 - d. Vendor shall furnish and install all work covered under this agreement in a manner that is well suited for a maximum security level custodial environment where intense vandalism is expected, and in compliance with Customer's security concerns. The installation must be as approved by Customer.
 - e. During installation, Vendor shall coordinate work with existing prisoner pay telephone system so that no prisoner housing unit (cell block, dorm, etc.) is without telephone service for more than two consecutive days.
 - f. Vendor must complete the entire installation of System, and have it operating satisfactorily within 180 calendar days from the commencement of this Agreement.
 - g. Upon completion of the installation of the system, Vendor shall provide Customer with a complete list of all of Vendor's Telephones' numbers and locations.
 - h. Vendor shall provide sufficient separate telephone lines for Vendor's Telephones so that Customer's prisoners using Vendor's Telephones do not encounter "busy signals" which would delay usage of any single Vendor's Telephone for more than five (5) consecutive minutes.
 - i. System shall have individual switches for each of Vendor's Telephones which are to be installed at locations and in a manner as approved by Customer, to allow Customer to turn each of Vendor's Telephones on and off remotely. System shall also be capable of being programmed to automatically turn on and off each day at a time as designated, and changed from time to time, by Customer.
 - j. Vendor shall install all work in compliance with all applicable codes.
 - k. Vendor shall furnish and install all items in public access areas and housing areas designated for disabled prisoners in compliance with all applicable codes and laws, including but not limited to: mounting heights of instruments, volume controls for instruments, access to instruments, and required signage.
 - l. Vendor shall provide at least one administrative station per facility, one remote administrative station at 25 Van Ness Avenue for Customer's investigations unit, and one master administrative station on the 5th floor – South of 425 Seventh Street. Customer will be able to limit the access and control of the system on the administrative stations via passwords. For example, in the jails, Customer may want the administration stations to have "read only" capability except for the ability to install and remove telephone numbers to be blocked by the system.
3. Vendor's Telephone System provided under this agreement shall have all of the following capabilities and features:
- a. All of the signs, written instructions, voice prompts and messages shall be in both English and Spanish.
 - 1) Signs fully explaining the System operation, in plain clear language, shall be posted in each housing and/or holding area where Vendor's telephones are located.
 - 2) Voice prompts in English and Spanish shall instruct the prisoner which one of the two sets of verbal instructions to choose via dial codes.

- b. Prisoners will be able to order and charge telephone calls and/or commissary items against their individual prisoner accounts, which are identified via Prisoner Identification Numbers (PIN).
 - 1) Customer shall assign each prisoner a PIN and have sole access to Customer's prisoner accounts (Inmate Trust Fund).
 - 2) Both prisoners and Customer may access Vendor's System at any time and by dialing a PIN, to get an audio statement of the current balance in the Prisoner's account associated with that PIN. Customer may access Vendor's System at any time via an administrative station to get a real time update of any PIN account.
 - 3) Vendor shall provide and coordinate System to allow for scheduled backups and account reconciliation.
- c. Prisoners shall be allowed to call the Public Defender's Office free of charge, without the use of a PIN. Clear instructions for making such calls in both English and Spanish shall be affixed to the telephones, or the immediate area of the telephones, per the Customer's approval, on permanent tamperproof signs, constructed and attached as approved by Customer. Prisoner calls to the Public Defender's Office will NOT be recorded or monitored.
- d. Prisoners shall be allowed to place collect telephone calls without the use of a PIN in Customer's booking area (County Jail #9).
- e. Customer shall be able to block access to certain telephone numbers from being called on Vendor's Telephone System, regardless of whether or not a prisoner is attempting to call the telephone number using a PIN.
- f. System will only allow outgoing telephone calls, and will not allow incoming telephone calls to be received.
- g. System shall limit each telephone call to a maximum time to be between ten (10) and fifteen (15) minutes, as agreed to by Customer and Vendor, and as may be changed from time to time by mutual agreement of the parties. System shall notify caller when there is one (1) minute left on the call. Telephone calls from prisoners to the Public Defender's Office shall not be time-limited.
- h. System shall allow Customer's authorized representatives to access system records and have them displayed in real-time.
- i. Vendor's Telephones installed in the Intake/Release/Center on the first floor of 425 Seventh Street (County Jail #9), shall allow prisoners to make telephone calls to locations within the local calling area, free of charge, and on a collect-only basis if the call is to a location outside of the local calling area, without the use of a PIN.
- j. System shall allow Customer to selectively monitor any call placed by a prisoner without the prisoner's knowledge, except prisoner telephone calls to the Public Defender's Office.
- k. System shall digitally record and log all telephone calls, except prisoner telephone calls to the Public Defender's Office.
 - 1). System shall allow Customer to electronically search telephone logs by any and all of the following: date, time, location and telephone where the call was placed, telephone number called, and PIN.
 - 2). Their shall be a recorded message which is activated prior to any call being placed, notifying prisoners that all calls may be recorded or monitored at any time.

- 3). System shall digitally store recorded and logged telephone calls for a minimum of six (6) months. Only Customer's official representatives shall have the capability of accessing this information.
- l. System shall be capable of operating 24 hours per day, seven days per week, including all holidays.
 - m. System shall have capability of notifying call recipient that call is being placed from a county jail.
 - n. System shall have programmable capability of automatically blocking calls to a telephone number that constantly refuses calls.
 - o. System shall have 3-way call detection feature that will cause a call to be terminated when certain circumstances are detected, such as the presence of a dial tone on an open line.
 - p. In order to be compatible with Customer's prisoner tracking system, Vendor's computer system shall have a Windows NT operating system.
 - q. Vendor's System shall be password protected with multiple password security levels, such that Customer can limit access to Customer's authorized personnel for whom passwords are issued, and Customer can select the level of access each password allows.
 - r. Vendor's debit system shall be a computer based system compatible with the existing computer based prisoner commissary system as provided by Customer's commissary provider. Vendor shall meet with Customer's commissary provider to coordinate the interface of the two systems.
 - 1). Vendor's system shall be capable of allowing prisoners to order commissary items via Vendor's Telephones by using a menu driven system.
 - 2). The purchase of commissary items and/or the use charges generated by Customer's prisoners via Vendor's Telephone system shall automatically be documented and accounted for in an electronic file system. Such system shall be compatible with Customer's commissary provider's electronic filing and accounting system and shall be based upon unique prisoner identification numbers (PIN). Vendor's Telephone System shall be compatible with Customer's computer based booking system, and shall automatically receive PIN's and prisoner account information from Customer's commissary provider's computer system.
 - 3). System shall allow prisoners to make telephone calls and order commissary items on Vendor's Telephones using the prisoner's PIN, up to the monetary value remaining in the prisoner's PIN account at the time the transaction is made. At the time a prisoner attempts to place a telephone call or order commissary, Vendor's Telephone System shall verbally inform the prisoner of the base cost of the call to be placed, or total cost of the commissary order being placed. For telephone calls, the System will inform the prisoner of the corresponding time of the call remaining on prisoner's account, if it is less than the maximum allowed time. At the end of each type of transaction, the System shall inform the prisoner of the amount left in the prisoner's PIN account.
 - a). Vendor's System shall only allow commissary items to be purchased during certain hours each day, as specified, and as may be changed from time to time, by Customer.

- b). Vendor's System shall have the capability to limit the total amount of commissary items to be ordered per PIN, per day (24-hour period), to a set amount as specified, and as may be changed from time to time, by Customer.
 - c). Vendor's System shall limit the total time for telephone calls per PIN to one hour within a 24-hour period.
 - d). Vendor's System shall audibly notify prisoners, in the language selected by the prisoner, whenever the limits stated above have been reached.
- 4). As part of Vendor's record keeping procedures, Vendor shall invoice Customer's commissary provider for those charges placed against individual prisoner accounts for the use of Vendor's Telephones, on a monthly basis. The invoicing format and presentation will be as approved by Customer, and shall include, but not be limited to: individual prisoner account numbers, telephone number of telephone initiating each call and number called, date, time, and duration of call, type of call, and charges as well as totals. Customer's commissary provider will then provide the invoice to Customer.
- a). Vendor, Customer, and Customer's commissary provider must reconcile any and all discrepancies in prisoner accounts. In the event of an account discrepancy dispute, Customer shall make sole determination of resolution.
 - b). Upon approval of invoice by Customer, Customer's commissary provider will then reimburse Vendor for the total approved invoiced amount. The invoiced amount shall be the gross chargeable revenue generated from charges to the prisoner accounts (debits) for that time period (see "Commission" below).
- 5). Vendor shall provide Customer with a monthly summary record of any and all of Vendor Telephone uses charged to others as "collect", in a format approved by Customer. This record shall include, but not necessarily be limited to: telephone number from which each charged call originated, the telephone number called, the date, type of call, time and duration of the call, the total of all charges invoiced to the receiving party for each call, and the sum total of charges invoiced to all call recipients. The sum total of all collect charges invoiced shall be the gross chargeable revenue for collect calls generated by Vendor's Telephones for that time period (see "Commission" below).

4. Coin Operated Telephones:

- a. Vendor shall install coin operated telephones in the public lobby areas of: Customer's Facilities at locations chosen by Customer, which shall include but not be limited to: the Sheriff's Facility at 425 Seventh Street, County Jail #3, County Jail #7, the Learning Center, and the Treasure Island Brig.
- b. Vendor's coin operated telephones shall allow the caller to make local and long distance telephone calls with the use of coins, and to make collect telephone calls without the use of coins.
- c. Vendor's coin operated telephones shall charge caller at the current rates used by Pacific Bell for telephones calls paid for in coin.
- d. Vendor's coin operated telephones shall charge the caller at the Dominate Carrier rates for collect calls (see below).

5. A "local" telephone call shall mean any and all telephone calls placed from any of Vendor's telephones located in any of Customer's Facilities, to any location within the local calling area (including the boundaries of the City and County of San Francisco). All telephone calls made from Vendor's telephones located in any of Customer's facilities located outside the boundaries of the City and County of San Francisco (CCSF) to any telephone within the boundaries of the CCSF shall be billed (e.g. base rate to place the telephone call and time allowed), at the following agreed to "local" telephone call rates. Vendor shall bill prisoners for all non-collect local telephone calls at an Initial Rate of **\$0.75** for the first **three (3)** minutes, and at a time rate of **\$0.15** for every minute thereafter.
6. Any and all telephone calls other than those covered in Section #5 above, made from Vendor's Telephones shall be billed (e.g. base rate to place the telephone call plus charges for extended time of calls), at the current Dominate Carrier rates for collect calls. The Dominate Carrier shall be defined as the carrier who has obtained the largest percentage of market share on January 1st of each calendar year. The Vendor shall notify Customer of the Dominate Carrier, the rate, and the method by which this determination was made, by February 15th of each year covered under this Agreement.

Commission:

In consideration for allowing Vendor to place and operate Vendor's Telephone System in Customer's Facilities, Customer shall receive commission payments from Vendor as follows:

- a. For all "local" debit telephone calls (as defined above) Vendor shall pay Customer a set commission of **\$0.30 per call** (Customer's Local Debit Call Commission).
 - 1). Customer may elect from time to time during the term of this Agreement, to authorize an increase to the Initial Rate for the cost of the first three minutes of a local debit call. Any such increase to the initial rate for the first three minutes of a local debit call shall be authorized to Vendor in writing by Customer's representative 30 days in advance of the effective date of the initial rate increase. Any such initial rate increase authorized by Customer shall be directly added to Customer's Local Debit Call Commission on a one-to-one basis (i.e. for every cent per call added to the Initial Rate, a cent per call is added to Customer's Local Debit Call Commission).
 - 2). Customer may also elect to lower the Initial Rate at any time during the term of the Agreement (under the same conditions as are in the above section), however Customer will not lower the Initial Rate for the first three minutes of local debit call to less than **\$0.75**.
- b. For all collect local and toll calls (i.e. calls other than local debit, but which are not long distance), and all calls made on Vendor's coin telephones, Vendor shall pay Customer an amount equal to **35%** of the total of all gross chargeable revenues generated by use of such telephones for these types of calls, (i.e. the sum of the telephone use charges made against prisoners accounts, plus the sum of the collect charges billed (collected or not), plus the sum of all revenues collected in coin and billed from coin-operated telephones).
- c. For all long distance calls, Vendor shall pay Customer an amount equal to **40%** of the total of all gross chargeable revenues generated by use of Vendor's Telephones

for these types of calls, by Customer's inmate population (i.e. the sum of the telephone use charges made against prisoners accounts, plus the sum of the collect charges billed, (collected or not)).

- d. Vendor shall be responsible for payment of any and all fees, taxes, uncollected charges, and other expenses incurred in the provision of Vendor's responsibilities under this Agreement. These expenses shall not be deducted from the sum of the gross chargeable revenue figure upon which Customer's commission is based.
- e. In addition to the Commission described above, Vendor agrees to pay Customer a annual bonus of five thousand dollars (\$5,000.00), which is due within three months of the start of this Agreement, and every February 1st each year that the Agreement is in effect.
- f. All Commission and bonus checks, and reports shall be made out to the San Francisco Sheriff's Department, and sent on a monthly basis to:

San Francisco Sheriff's Department
Sheriff's Bureau of Building Services
425 Seventh Street
San Francisco, CA 94103

8. Carriers and Providers:

Vendor shall notify Customer of any local and/or long distance telephone service carriers and/or providers involved in the provision of telephone service at Customer's Facilities. Vendor shall also notify Customer of any rules, regulations, and/or practices employed by such carriers or providers that will have any affect on the service, options, and/or features of the System.

- a. If Customer finds that any rule, regulation, and/or practice of any of Vendor's carriers or providers interferes with, or negatively impacts any aspect of the service, options, and/or features of Vendor's System, Customer may demand, and Vendor agrees to comply with, the cessation of such rule, regulation and/or practice, either by said carrier or provider, or by a change of carrier and/or provider.

9. Reports and Audits:

- a. Vendor shall provide Customer with accurate and complete monthly reports in electronic digital format, on:
 - 1). All gross revenue collected and invoiced from all sources on Vendor's Telephone System (see above).
 - 2). All telephone activity on Vendor's Telephones, by telephone number, date, time, telephone number called, type of call, duration of call, and total cost of call.
- b. Vendor agrees that Customer may audit any and all of Vendor's records pertaining to Vendor's Telephone System installed and operated within Customer's Facilities, after receiving a written two-week notice of such audit. Customer may either undertake audit with its own forces, or employee private consultants to perform audit. In any case, Vendor agrees to cooperate fully, and provide Customer, or Customer's representative, with full and complete access to and disclosure of, all such records.

10. Vendor shall provide any and all software required for the proper functioning of the system as required under this Agreement. Vendor shall upgrade all such software from time to time as such upgrades become available to Vendor. Customer may keep current versions of all software and data for backup purposes.
11. Upon termination of this Agreement, for any reason, any and all parts of the System's fixed equipment (e.g. raceways, conduit, fittings, wiring, mounting devices, telephones, and supporting equipment), shall become property of Customer and remain untouched and intact by Vendor.
 - a. Customer reserves the right to retain and use any and all of Vendor's file servers, computers, archiving and retrieving equipment, etc. upon termination of the Agreement and until such time as a subsequent vendor installs its own equipment and has it operational. Vendor shall maintain and support its equipment during this transition period. This transition period shall not extend for more than twelve consecutive months.
 - b. Any and all computerized equipment which is necessary part of Vendor's system, whether provided, installed, or placed in Customer's facilities, or located elsewhere, shall be "Y2K Compliant" and as such will be recognized and provide all times and dates before and past midnight 12/31/99 as the true time and date. Such compliance will be provided via internal non-volatile memory in the computer such as BIOS, EEPROM, or other type of permanent, internal means as approved by the SFSD.
 - c. Any and all data, will become property of Customer at termination of this Agreement.
12. Vendor agrees to check, service, repair, upgrade and/or replace as necessary all of Vendor's equipment installed in Customer's Facilities, including but not limited to; telephones, computerized operating equipment, conduit and wiring, pedestals and wall mount units, to keep all equipment in good working order and in a safe condition. Such service shall be on a regularly scheduled and on an "as needed" basis. Customer shall contact (e.g. call and fax) Vendor's designated service representative on a weekly basis and inform such representative of any of Vendor's equipment which needs servicing and repair. Vendor will provide a service for such equipment on a prompt and timely basis.
 - a. Vendor agrees to commence any specially requested normal repair service on the next regular workday following notification of the need for service from the Customer. Vendor also agrees to provide Customer emergency service within 4 hours of notification. An emergency may result from significant inmate unrest or significant increase in inmate population due to civil unrest or similar circumstances.
 - b. Notwithstanding notices by Customer, Vendor shall schedule, at Customer's convenience, regular routine inspection and servicing of Vendor's equipment, to maintain it in good working order and safe condition. Failure of Customer to notify Vendor of existing problems with Vendor's equipment, in no way relieves Vendor of Vendor's responsibilities under this Agreement to maintain its equipment in good and safe working order.
 - b. If Customer is not satisfied with the service provided by Vendor for Vendor's equipment, due to lack of service such as, but not limited to: extensive periods of time when Vendor's equipment is out of service, after notification of servicing needs by Customer, or unresolved security or safety concerns, Vendor shall change service personnel and/or providers.

13. Vendor agrees to give Customer as much prior notice as possible if Vendor intends to change Customer's account representative (currently Mr. Michael McClarmey). Changes of account representatives shall be subject to Customer approval, provided that said change is due to circumstances within Vendor's control. Vendor agrees to change account representatives upon request by Customer for stated cause.
14. All installation, service, maintenance, and repair of Vendor's telephones shall be performed in strict compliance with Customer's security requirements (attached).
 - a. Customer's security requirements shall include, but not limited to, the provision of cut-off switches for Vendor's Telephones (location of cut-off switches shall be determined by the Customer), and the location, specifications, and the installation method of necessary conduit, telephone pedestals and wall mounts. Vendor shall provide cut-off switches for each individual telephone and/or location of telephone in custom panels at locations as determined by Customer. Each cut-off switch shall be individually labeled in a permanent manner with the name and/or location of the telephone to which it pertains.
 - b. Vendor shall provide all computer access jacks, software, terminals, archiving and retrieving equipment, and programming necessary for Customer to access Vendor's computer equipment to obtain any and all information regarding the status of PIN accounts, block certain numbers from being accessed by Vendor's telephones, and get any and all additional information regarding the use and/or usage of Vendor's telephones.
 - c. Customer makes no guarantees regarding the safekeeping of any of Vendor's equipment installed pursuant to this Agreement. Vendor shall provide timely service, repair, and/or replacement any and all of Vendor's equipment (including but not limited to; computers, switches, and all parts and components of Vendor's telephones, their mounts, pedestals, backboards, wiring, handsets, and cords) which is damaged in any way, at no cost to Customer.
 - d. If during the course of providing the work, the Vendor, or persons or firms employed by the Vendor, discovers that there is a potential for disturbing any asbestos containing material, or what is suspected of being asbestos containing material, the Vendor must suspend that portion of the work immediately until it is determined that it is safe to proceed with that portion of the work, due to a lack of real danger, or the mitigation of the danger via adequate control measures.
 - 1). The Vendor is hereby notified that the old County Jail #3 at the Sheriff's Department's jail site next to the City of San Bruno, and the Sheriff's Program Facility at 930 Bryant Street, San Francisco are known to contain asbestos containing material, and all due caution should be taken.

15. Most Favored Customer:

Vendor agrees that in entering this Agreement with Customer, Vendor shall grant Customer a "most favored customer" status, pursuant to which, should during the term of this Agreement, Vendor enter into any other Agreement with any other entity to provide similar telephone service and contractual arrangement at any other custody facility, such as but not limited to: a jail, house of detention, prison, penitentiary, criminal case court house, and/or any type of holding facility, located in the United States of

America; and under such Agreement Vendor agrees to pay such entity any higher rate of commission or provide such entity any greater or additional benefit than those granted to Customer under this Agreement, Vendor shall immediately notify Customer of such increased commission, and greater and/or additional benefit, and provide same to Customer as of the date such increased commission, and greater and/or additional benefit is provided to said entity.

Should Customer become aware of any other of Vendor's customers, as indicated above, that are receiving a higher rate of commission than Customer, Vendor shall immediately raise Customer's commission rate equal to the rate paid to the other customer, and reimburse Customer for past under-compensated commission rates, plus interest. The interest rate shall be at the current personal loan rate available in the San Francisco area.

16. Equal Opportunity Employment and Business Practices, Liquidated Damages:

The Vendor shall agree to comply fully with all provisions of Chapters 12B and 12D of the Administrative Code of the City and County of San Francisco, as amended from time to time. Said provisions are incorporated herein by reference and made part of this Agreement as though fully set forth. The Vendor shall sign before a notary an affidavit declaring his or her intention to fully comply with Chapters 12B and 12D of the Administrative Code of the City and County of San Francisco.

- a. Pursuant to Section 12B.2(h) of the Administrative Code of the City and County of San Francisco, a penalty of fifty dollars (\$50) for each person for each calendar day during which such person was discriminated against in violation of the provisions of this Agreement may be deducted from payments due to the Vender.

17. Non-Discrimination In Benefits:

The Vendor agrees that in any of its operations in San Francisco, or where he/she is performing work for the City and County of San Francisco, or elsewhere in within the United States of America, it does not discriminate in the provision of bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pension or retirement benefits or travel benefits, as well as any benefits other than the benefits specified above, between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees, where the domestic partnership has been registered with a governmental entity pursuant to state or local law authorizing such registration, subject to the conditions set forth in Section 12B.2(b) of the San Francisco Administrative Code.

18. Business Tax Registration:

The Vendor shall submit a current Business Tax Registration Certificate to the County Clerk. The Business Tax Registration Certificate may be obtained by contacting the Tax Collector's Office, Business Tax Division, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, telephone number (415) 554-4426. In the event that the Contractor fails to comply, the contract may be canceled or any payment may be withheld. Any of the following documents is acceptable in place of an original Business

Tax Registration Certificate: a photocopy of the original certificate, a photocopy of a payment receipt from the Tax Collector's Office, or a photocopy of a canceled check showing payment of a registration fee to the Tax Collector's Office.

19. MacBride Principles - Northern Ireland:

The City and County of San Francisco urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in the San Francisco Administrative Code Section 12F.1, et seq. The City and County of San Francisco also urges San Francisco companies to do business with corporations that abide by the MacBride Principles.

20. Tropical Hardwood and Virgin Redwood Ban:

Except as expressly permitted by the application of Sections 121.3.b and 121.4.b of the San Francisco Administrative Code, the Vendor shall not provide any of the work covered under this contract which are tropical hardwoods, tropical hardwood wood products, virgin redwood, or virgin redwood wood products. The City and County of San Francisco urges companies not to import, purchase, obtain, or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product. In the event that the Vendor fails to comply in good faith with any of the provisions of Section 121 of the San Francisco Administrative Code, the Vendor shall be liable for liquidated damages for each violation in any amount equal to the Contractor's net profit on the Agreement, or five percent (5%) of the total amount of the contract dollars, whichever is greatest. The Vendor agrees that the liquidated damages assessed shall be payable to the City and County of San Francisco upon demand and may be set off against any moneys due to the Vendor from any contract with the City and County of San Francisco.

21. Tobacco Product Advertising Prohibition:

The Vendor acknowledges and agrees that no advertising of cigarettes or tobacco products shall be allowed on any portion of Customer's Facilities under the Vendor's control. The foregoing prohibition shall include the placement of the name of a company producing, selling, or distributing cigarettes or tobacco products or the name of any cigarette or tobacco product in any promotion of any event or product. The foregoing prohibition shall not apply to any advertisement sponsored by a state, local, or nonprofit entity designed to communicate the health hazards of cigarettes and tobacco products or to encourage people not to smoke or to stop smoking.

22. Burma (Myanmar) Business Prohibition:

The Vendor acknowledges and attests that he or she is not the government of Burma (Myanmar), a person or business entity organized under the laws of Burma (Myanmar) or a "prohibited person or entity" as defined in Section 12J.2(G) of the San Francisco Administrative Code. The City and County of San Francisco reserves the right to terminate this contract for default if the Vendor violates the terms of this section. Chapter 12J of the San Francisco Administrative Code is hereby incorporated by

reference as though fully set forth herein. The failure of the Vendor to comply with any of its requirements shall be deemed a material breach of this contract. In the event that the Vendor fails to comply in good faith with any of the provisions of Chapter 12J of the San Francisco Administrative Code, the Vendor shall be liable for liquidated damages for each violation in an amount equal to the Vendor's net profit under this Agreement, or 10% of the total amount of this Agreement, or \$1,000.00 whichever is greatest. The Vendor acknowledges and agrees the liquidated damages assessed shall be payable to the City and County of San Francisco upon demand and may be set off against any moneys due the Vendor from any other contract with the City and County of San Francisco.

23. Termination For Cause:

- a. The City and County of San Francisco and/or the San Francisco Sheriff's Department may terminate any and all work and/or arrangements made under this Agreement for cause, such as but not limited to, any of the following:
 - 1). The Vendor fails to supply properly skilled workers or proper material, while installing Vendor's equipment.
 - 2). Vendor fails to completely install the System and get all aspects of it working properly, within the time allowed under the Agreement.
 - 3). Vendor fails to accurately and completely report to Customer any and all revenues generated by Vendor's Telephone System.
 - 4). Vendor fails to provide Customer with the full commissions as required under this Agreement.
 - 5). The Vendor persistently disregards laws, ordinances, rules, regulations, or orders of a public authority having jurisdiction,
 - 6). The Vendor, by his/her actions or in-actions, or the actions or in-actions of any person involved in the work in any capacity under the reasonable control and/or influence of the Vendor persistently or blatantly disregards the safety and/or security of themselves or others. Customer shall have the sole determination of whether or not any such acts are "persistent" or "blatant".
 - 7). The Vendor has otherwise made a substantial breach of any provision or section of the Agreement.
- b. When any of the above reasons exist, Customer may, after giving the Vendor sixty (60) calendar days notice of intent to terminate, and the causes thereof, terminate this Agreement and demand that the Vendor remove any and all of his/her installed equipment from Customer's Facilities, if Vendor has not cured reasons for termination to Customer's satisfaction within this time period. If after such time, Vendor has not removed said equipment, Customer may have said equipment removed. Vendor shall be liable for any and all costs of removing, storing, and transporting such equipment. Customer shall not be liable for any and all damage to Vendor's equipment if it is removed under these circumstances.

24. Indemnification and General Liability:

The Vendor shall indemnify and save harmless Customer (the City and County of San Francisco, acting by and through its Sheriff's Department) and its officers, agents and employees from, and if requested, shall defend them against any and all loss, damage, injury, liability, and claims thereof for injury to or death of a person, including employees

of Vendor, or loss of or damage to property, resulting directly or indirectly from the Vendor's performance of its responsibilities under this Agreement, including, but not limited to, the use of the Vendor's equipment by others, and claims alleging discrepancies in prisoner accounts resulting from use of Vendors debit system.

In addition to the Vendor's obligation to indemnify Customer, Vendor specifically acknowledges and agrees that it has an immediate and independent obligation to defend Customer from any claim which actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered to Vendor by Customer and continues at all times thereafter.

The Vendor shall indemnify and hold the Customer harmless from all loss and liability, including attorney's fees, court costs, and all other litigation expenses for any infringement of the patent rights, copyright, trade secret or any other proprietary right or trademark and all other intellectual property claims of any person or persons in consequence of the use by the Customer, or any of its officers or agents, of articles or services to be supplied in the performance of this Agreement.

25. Liability for Damage To Equipment:

It is understood and agreed that the Customer is not responsible for loss of or damage to any Vendor owned and/or provided equipment.

26. Insurance:

- a. Without in any way limiting the Contractor's liability under this Agreement, the Contractor will maintain in force, during the full term of this Agreement, insurance in the following amounts and coverages:
 - 1). Workers Compensation, with Employers' Liability limits not less than \$1,000,000 each accident.
 - 2). Commercial General Liability insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Independent Contractors, Broadform Property Damage, Personal Injury, Products and Completed Operations.
 - 3). Business Automobile Liability insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned and Non-owned and hired auto coverage, as applicable.
- b. Commercial General Liability and Automobile Liability Insurance policies shall be endorsed to provide the following:
 - 1). Name as Additional Insured the City and County of San Francisco, its Officers, Agents, and Employees.
 - 2). That such policies are primary insurance in any other insurance available to the Additional Insured, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.
- c. All policies shall be endorsed to provide:

Thirty (30) day's advance written notice to Customer of cancellation, non-renewal or reduction in coverage, mailed to the following addresses:

- 1). San Francisco Sheriff's Department
Bureau of Building Services
425 Seventh Street
San Francisco, CA 94103

and

- 2). Controller
City and County of San Francisco
Re: Vendor No. _____
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94103

- d. Should any of the required insurance be provided under a claims-made form, the Contractor shall maintain such coverage continuously throughout the term of this Agreement and, without lapse, for a period of three years beyond the Agreement expiration, to the effect that, should occurrences during the Agreement term give rise to claims made after the expiration of the Agreement, such claims shall be covered by such claims-made policies.
- e. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general aggregate limit, such general annual aggregate limit shall be double the occurrence or claims limits specified above.
- f. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City, before commencing any operations under this Agreement, with complete copies of policies promptly upon City request.
- g. Approval of the insurance by the City shall not relieve or decrease the liability of the Contractor hereunder.
- h. This Agreement shall terminate immediately, without notice to the Contractor, upon any lapses of required insurance coverage.

27. Performance Labor and Materials Bond:

At the time of execution of this Agreement, and prior to the commencement of any installation work under this Agreement, Vendor shall file with Customer surety bonds in sum not less than 100 percent of the total cost of the provision and installation work of the System, to guarantee the full, faithful, and timely performance of this work under the Agreement and to guarantee payment for labor and materials utilized in purchasing, installing, programming, testing, adjusting, licensing, and providing dial tone to the System covered under this Agreement.

28. Vendor's Default:

Failure or refusal of the Vendor to perform or do any act herein required shall constitute a default. In the event of any default, in addition to any other remedy available to the Customer, this Agreement may be terminated by the Customer pursuant to ten days written notice. Such termination shall not waive any other legal remedies available to the Customer.

29. Assignment:

Notwithstanding any other provision of this Agreement, in no event shall all or any portion of this Agreement be assigned without the prior written approval of Customer.

30. Entire Agreement; Modifications:

The Agreement, together with any and all Appendices and/or Attachments hereto, constitutes the entire Agreement between the parties and this Agreement shall not be modified, amended, altered or changed except in writing as herein provided.

All agreements between the parties are included herein and no promises or statements have been made by either party unless endorsed hereon in writing. No change or waiver of any provisions hereof shall be valid unless made in writing with the consent of both parties and executed in the same manner as this Agreement.

Any provision of this Agreement found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of this Agreement. Subject to the provisions of this Agreement, this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

31. The provisions of this Agreement are severable, and if any one or more provisions of this Agreement may be determined to be judicially unenforceable, in whole or in part, the remaining provisions shall nevertheless be binding and enforceable.
32. Either party's failure to enforce any provisions of this Agreement shall not in any way be construed as a waiver of any such provision or provisions, or prevent that party thereafter from enforcing each and every other provision of this Agreement.

33. Term:

The term of this Agreement shall commence upon mutual signature of authorized parties for Vendor and Customer, and shall remain in full force and effect, except in the event of termination pursuant to the requirements of this Agreement, for a period of Sixty (60) consecutive months.

ENTERED INTO ON THIS THE 22 DAY OF April, 1999 BY AND BETWEEN THE PARTIES AFFIXING THEIR SIGNATURES BELOW.

For Vendor:

[Signature]

Print Name
[Signature]

Print Title
[Signature]

Signature
[Signature]

Date of Signature

For Customer

MICHAEL E. LA VIGNE

Print Name
Lieutenant - CBPS

Print Title
[Signature]

Signature
April 22, 1999

Date of Signature

ATTACHMENT A

SITE ACCESS AND USE AGREEMENT

This Access and Use Agreement (this "Agreement") is entered into by and between the San Francisco Sheriff's Department (Customer) and PCS Public Communications Services (Vendor) for purpose of delineating Vendor's site access and use necessary for Vendor to install and operate telecommunications equipment required to meet the terms of the Agreement.

1. **Grant of Access and Use.** Customer grants Vendor permission to use a portion the Customer's building as necessary and required to install and operate telecommunications equipment required for the provision of the services stated in the Agreement. The actual areas will be determined after "walk through" inspections of the areas to determine preliminary routes, areas, and conditions of installation, and by final Customer approval of submitted drawings and specifications submitted by Vendor. Submittals must be to a level of detail approved by Customer. Not every detail of verbal discussions regarding the installation need be included on the drawings and specifications, however Vendor agrees to follow all verbal agreements reached regarding the installation of the required equipment. Customer may grant Vendor use space, conduit, electrical power as part of Vendor's installation. Such granted use will remain in effect for the term of the Agreement. Any newly installed equipment, conduit, wire, connections, etc. are subject to the terms and conditions of the Agreement.
2. **Access.** Access to areas of Customer's buildings is under the sole and direct control of Customer. Customer understands that Vendor needs reasonable and necessary access to the buildings in order to install, operate, and maintain Vendor's equipment, however Vendor must coordinate access to Customer's buildings via Customer's Sheriff's Bureau of Building Services (SBBS) personnel. If Vendor arrives at any of Customer's buildings without first coordinating access to same with SBBS personnel, Vendor is taking the risk that access may be delayed or denied, and Customer is no way liable for impact for such delays to Vendor.
3. **Use.** Vendor will obtain all licenses and permits required to install and operate Vendor's equipment.
4. **Interference.** Vendor's equipment shall not cause any electromagnetic, radio frequency or other interference with (a) the equipment, machinery, systems (including radio systems) of Customer on, within, or servicing Customer's buildings (including the Hall of Justice at 850 Bryant Street), or (b) any communications equipment installed on the roof of Customer's buildings (including 850 Bryant Street), or any part of Customer's "911" communications system.
5. **Equipment.** Customer shall not relocate any of Vendor's equipment without Vendor's prior written approval.

ENTERED INTO ON THIS THE 1 DAY OF July 1999 BY AND BETWEEN THE
PARTIES AFFIXING THEIR SIGNATURES BELOW.

For Vendor:

 R. L. Tenniss
Print Name
 CEO
Print Title
 [Signature]
Signature
 7/29/99
Date of Signature

For Customer

 [Signature]
Print Name
 MICHAEL E. LA VIGNE
Print Title
 VP of Sales & Marketing
Signature
 7/29/99
Date of Signature

SHERIFF'S DEPARTMENT

ATTACHMENT 2

**PCS "Rates" for Telephone Calls
Compared to Other Jails and Prison
dated 11/22/99**

PCS DEBIT Local	PCS COLLECT Local (same as other jails & prisons in Cal.)
0.75 1st 3 min.	\$1.40 inmate surcharge
\$0.15/min	\$0.95 operator charge
	\$0.30 pay telephone charge
	\$2.65 to connect
	\$0.1614 1st minute (day rate)
	\$0.08/min for 2 min
\$0.75 for 1st min.	\$2.81 for 1st min.
0.75 1st 3 min.	\$2.97 for 3 min.
\$1.05 for 5 min	\$3.13 for 5 min.
\$2.55 for 15 min.	\$3.93 for 15 min.

PCS DEBIT Toll	PCS COLLECT Toll (same as other jails & prisons in Cal.)
\$1.15 inmate surcharge	\$1.40 inmate surcharge
\$0.95 operator charge	\$0.95 operator charge
\$0.30 pay telephone charge	\$0.30 pay telephone charge
\$2.40 to connect	\$2.65 to connect
\$0.15 1st minute (flat rate)	\$0.20 1st minute (day rate)
\$0.10/min	\$0.14/min
\$2.55 for 1st min.	\$2.85 for 1st min.
\$2.75 for 3 min	\$3.14 for 3 min
\$2.95 for 5 min	\$3.42 for 5 min
\$3.95 for 15 min.	\$4.81 for 15 min.

PCS DEBIT Long Distance Within California	PCS COLLECT Long Distance Within California (same as other jails & prisons in Cal.)
\$2.75 inmate surcharge	\$3.00 inmate surcharge
\$0.20/min.	\$0.25/min.
\$2.95 for 1st min.	\$3.25 for 1st min.
\$3.35 for 3 min.	\$3.75 for 3 min.
\$3.75 for 5 min.	\$4.25 for 5 min.
\$5.75 for 15 min.	\$6.75 for 15 min.

PCS DEBIT Long Distance Outside California	PCS COLLECT Long Distance Outside California (same as other jails & prisons in Cal.)
\$3.50 inmate surcharge	\$3.95 inmate surcharge
\$0.50/min.	\$0.59 per min.
\$4.00 for 1st min.	\$4.54 for 1st min.
\$5.00 for 3 min.	\$5.72 for 3 min.
\$6.00 for 5 min.	\$6.90 for 5 min.
\$11.00 for 15 min.	\$12.80 for 15 min.

PCS "Rates" for telephone calls compared to other jails and prison

Michael McClamney

Effective 11/22/99

SHERIFF'S DEPARTMENT

ATTACHMENT 3

Listing of Property Lost Claims for Sheriff's Department
from City Attorney's Office
dated 09/22/99

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
94-00539	07/24/94	COLLIER, CYNTHIA	Loss of Property (Jail/YGC)	Closed	18.00	0.00	0.00	0.00
95-00029	04/26/95	KRUPNIK, TIMOTHY	Loss of Property (Jail/YGC)	Closed by Batch	360.00	0.00	0.00	0.00
95-01232	04/12/95	RANSON, WILLIAM	Loss of Property (Jail/YGC)	Closed	25.00	0.00	0.00	0.00
95-01247	04/01/95	MARQUEZ, RENATO	Loss of Property (Jail/YGC)	Closed	536.00	0.00	0.00	0.00
95-01609	03/01/95	AVENDAKO, RENE	Loss of Property (Jail/YGC)	Closed	75.00	0.00	0.00	0.00
94-03397	05/01/95	HAMILTON, TERRY	Loss of Property (Jail/YGC)	Closed by Batch	80.00	0.00	0.00	0.00
95-03411	04/17/95	SCHIMMEY, DUANE	Loss of Property (Jail/YGC)	Closed	196.30	0.00	0.00	0.00
Totals:					1,290.30	0.00	0.00	0.00

 Property lost claims for Sheriff's Department Printed.
 7 claims printed on 09/22/99.

Search Criteria:

Cause Code is equal to Loss of Property (Jail/YGC)

Department is equal to SHERIFF County Sheriff (06)

Incident Date from 07/01/94 To 06/30/95

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
95-01149	09/22/95	BARNETT, ABRAHAM	Loss of Property (Jail/YGC)	Closed by Batch	12.20	0.00	0.00	0.00
95-01233	09/29/95	HOWARD, CHARLES AKA JONES	Loss of Property (Jail/YGC)	Closed by Batch	30.00	0.00	0.00	0.00
95-01677	11/06/95	VAUGHN, RONALD	Loss of Property (Jail/YGC)	Closed	176.00	0.00	0.00	0.00
95-01802	11/01/95	COTELLI, THOMAS ALBERT	Loss of Property (Jail/YGC)	Closed	350.00	0.00	0.00	0.00
95-01973	09/20/95	RUSSO, JOSEPH M.	Loss of Property (Jail/YGC)	Closed	50.00	0.00	0.00	0.00
95-01974	11/20/95	ADAMS, STEVEN	Loss of Property (Jail/YGC)	Closed	72.42	0.00	0.00	0.00
95-02072	12/03/95	LEHMAN, NATHAN D.	Loss of Property (Jail/YGC)	Closed	822.99	0.00	0.00	0.00
95-02112	10/17/95	COATES, EUGENE L.	Loss of Property (Jail/YGC)	Closed	162.00	0.00	0.00	0.00
95-02287	10/04/95	RICHARD, AYANA	Loss of Property (Jail/YGC)	Closed	03.00	0.00	0.00	0.00
95-02368	08/03/95	ATKINS, KIMBERLY	Loss of Property (Jail/YGC)	Closed	125.00	0.00	0.00	0.00
95-02421	01/17/96	BEETLE, MELVIN EDWARD	Loss of Property (Jail/YGC)	Closed	1,368.00	0.00	0.00	0.00
95-02444	11/30/95	OWEN, THOMAS	Loss of Property (Jail/YGC)	Closed by Batch	788.00	0.00	0.00	0.00
95-02448	09/07/95	MUSIC, ROBERT	Loss of Property (Jail/YGC)	Closed	134.00	0.00	0.00	0.00
95-02546	11/15/95	ALLEN, TYRONE M.	Loss of Property (Jail/YGC)	Closed	126.70	0.00	0.00	0.00
95-02642	01/18/96	VALDELOMAR, JOSE P.	Loss of Property (Jail/YGC)	Closed	21.79	0.00	0.00	0.00
95-02698	11/21/95	LEE, GARNETTE	Loss of Property (Jail/YGC)	Closed	50.00	0.00	0.00	0.00
95-02699	01/29/96	WONBLE, CRAIG	Loss of Property (Jail/YGC)	Closed by Batch	175.00	0.00	0.00	0.00
95-02700	02/05/96	HANDY, WANASHEE	Loss of Property (Jail/YGC)	Closed	865.00	0.00	0.00	0.00
95-02701	02/01/96	FRIED, CAROLYN	Loss of Property (Jail/YGC)	Closed by Batch	82.00	0.00	0.00	0.00
95-02841	02/07/96	JAMES, DARYL T.	Loss of Property (Jail/YGC)	Closed by Batch	219.00	0.00	0.00	0.00
95-02906	02/04/96	LIPOVSKY, STEVEN	Loss of Property (Jail/YGC)	Closed	175.00	0.00	0.00	0.00
95-02990	02/16/96	LANTIEL, ELIZABETH	Loss of Property (Jail/YGC)	Closed	325.00	0.00	0.00	0.00
95-02998	12/20/95	FRANCISCO, TERRY	Loss of Property (Jail/YGC)	Closed	150.00	0.00	0.00	0.00
95-03000	12/25/95	CRAWFORD, ELLERY	Loss of Property (Jail/YGC)	Closed	4,870.00	0.00	0.00	0.00
95-03077	12/19/95	MITCHELL, RICKY	Loss of Property (Jail/YGC)	Closed	300.00	0.00	0.00	0.00
95-03198	01/31/96	STRAHON, DAVE	Loss of Property (Jail/YGC)	Closed by Batch	115.14	0.00	0.00	0.00
95-03210	01/19/96	BARLEY, HENRY SHAWN	Loss of Property (Jail/YGC)	Closed	77.00	0.00	0.00	0.00
95-03299	03/14/96	BERMUEZ, LUIS E.	Loss of Property (Jail/YGC)	Closed	100.00	0.00	0.00	0.00
95-03325	01/12/96	ZULUETA, ONEILL F.	Loss of Property (Jail/YGC)	Closed by Batch	220.00	0.00	0.00	0.00
95-03385	01/05/96	SIMPKINS, ANTHONY D.	Loss of Property (Jail/YGC)	Closed	300.00	0.00	0.00	0.00
95-03386	01/25/96	SANTOS, BRINDA	Loss of Property (Jail/YGC)	Closed	50.00	0.00	0.00	0.00
95-03388	02/09/96	BRANSON, DAVID	Loss of Property (Jail/YGC)	Closed	192.00	0.00	0.00	0.00
95-03389	01/16/96	SINGLETARY, DONALD	Loss of Property (Jail/YGC)	Closed by Batch	61.95	0.00	0.00	0.00
95-03391	12/26/95	ADAMS, STEVEN	Loss of Property (Jail/YGC)	Closed by Batch	40.00	0.00	0.00	0.00
95-03398	12/07/95	MONTANO, JEREMY	Loss of Property (Jail/YGC)	Closed	112.56	0.00	0.00	0.00
95-03455	12/07/95	ALLEN, TYRONE M.	Loss of Property (Jail/YGC)	Closed	246.00	0.00	0.00	0.00

Property lost claims for Sheriff's Department

Printed 09/22/99

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
95-03472	12/19/95	MENDOZA, MICHAEL	Loss of Property (Jail/YGC)	Closed by Batch	260.00	0.00	0.00	0.00
95-03526	08/11/95	JONES, ROY	Loss of Property (Jail/YGC)	Closed	435.00	0.00	0.00	0.00
95-03631	03/15/96	SYLVESTER, OLIVER J.	Loss of Property (Jail/YGC)	Closed	185.00	0.00	0.00	0.00
95-03640	12/01/95	WOODS, ARCHIE JR.	Loss of Property (Jail/YGC)	Closed	235.00	0.00	0.00	0.00
95-03687	04/09/96	BOWMAN, GRENDA	Loss of Property (Jail/YGC)	Closed	40.00	0.00	0.00	0.00
95-03748	09/08/95	HELLIS, DONALD	Loss of Property (Jail/YGC)	Closed by Batch	744.00	0.00	0.00	0.00
95-03820	03/22/96	BULLOCK, ANTHONY	Loss of Property (Jail/YGC)	Closed	275.00	0.00	0.00	0.00
95-03821	11/21/95	TATE, BILLY	Loss of Property (Jail/YGC)	Closed	56.66	0.00	0.00	0.00
95-03823	03/06/96	JOHNSON, HATHANIEL	Loss of Property (Jail/YGC)	Closed	110.00	0.00	0.00	0.00
95-03860	04/05/96	THOMPSON, HENRY	Loss of Property (Jail/YGC)	Closed	30.00	0.00	0.00	0.00
95-03896	04/27/96	MURDOCK, LARUE	Loss of Property (Jail/YGC)	Closed	473.00	0.00	0.00	0.00
95-04010	04/10/96	JONES, ROY	Loss of Property (Jail/YGC)	Closed	335.00	0.00	0.00	0.00
95-04011	04/12/96	JONES, ROY	Loss of Property (Jail/YGC)	Closed by Batch	125.00	0.00	0.00	0.00
95-04055	05/11/96	BYERS, SILAS	Loss of Property (Jail/YGC)	Closed	79.99	0.00	0.00	0.00
95-04080	05/25/96	DICKERSON, RONALD W.	Loss of Property (Jail/YGC)	Closed	95.00	0.00	0.00	0.00
95-04204	04/04/96	WELTON, TRACEY	Loss of Property (Jail/YGC)	Closed	35.00	0.00	0.00	0.00
95-04206	03/16/96	BOOKER, ROBERT C.	Loss of Property (Jail/YGC)	Closed	1,000.00	0.00	0.00	0.00
95-04213	03/05/96	THOMPSON, GARCIA LEMARD	Loss of Property (Jail/YGC)	Closed by Batch	333.00	0.00	0.00	0.00
95-04304	04/20/96	ANTONJAC, KAREN	Loss of Property (Jail/YGC)	Closed	400.00	0.00	0.00	0.00
95-04305	05/27/96	SAMBRANA, NOEL	Loss of Property (Jail/YGC)	Closed	6.98	0.00	0.00	0.00
95-04423	06/24/96	BRINKLEY, DANIEL J.	Loss of Property (Jail/YGC)	Closed by Batch	76.00	0.00	0.00	0.00
95-04443	05/01/96	BLICK, HAROLD H.	Loss of Property (Jail/YGC)	Closed	49.69	0.00	0.00	0.00
97-00072	06/22/96	CUMMINGS, JEFFERY	Loss of Property (Jail/YGC)	Closed	20.00	0.00	0.00	0.00
97-00193	04/30/96	WHITLOCK, DANA	Loss of Property (Jail/YGC)	Closed	280.00	0.00	0.00	0.00
97-00250	05/20/96	MCCEE, DARRYL W.	Loss of Property (Jail/YGC)	Closed	265.00	0.00	0.00	0.00
97-00259	03/01/96	JOHNSON, JENNIFER L.	Loss of Property (Jail/YGC)	Closed	1,500.00	0.00	0.00	0.00
97-00261	04/04/96	ALLEN, ANDRE	Loss of Property (Jail/YGC)	Closed	312.00	0.00	0.00	0.00
97-00301	05/14/96	ADAMS, STEVEN DAVID	Loss of Property (Jail/YGC)	Closed	80.00	0.00	0.00	0.00
97-00332	05/15/96	TREJA, ALVARS	Loss of Property (Jail/YGC)	Closed	175.00	0.00	0.00	0.00
97-00479	06/19/96	HUGHES, JAMES A.	Loss of Property (Jail/YGC)	Closed	30.00	0.00	0.00	0.00
97-00503	06/05/96	WILLIAMS, JOHNNY	Loss of Property (Jail/YGC)	Closed	00.00	0.00	0.00	0.00
97-00710	02/03/96	BATISTE, DAVID	Loss of Property (Jail/YGC)	Closed	340.00	0.00	0.00	0.00
97-01246	05/15/96	VALLIE, JULIO O.	Loss of Property (Jail/YGC)	Closed	120.00	0.00	0.00	0.00
97-01323	06/14/96	TYRRELL, MICHAEL	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
97-01353	05/23/96	GREENE, LADELL	Loss of Property (Jail/YGC)	Closed	792.00	0.00	0.00	0.00
97-01506	03/01/96	JOHNSON, JENNIFER	Loss of Property (Jail/YGC)	Closed	1,500.00	0.00	0.00	0.00

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
97-01663	05/08/96	BYRD, GARLAND	Loss of Property (Jail/YGC)	Closed	150.00	0.00	0.00	0.00
97-01915	01/29/96	KING, BRENT KEVIN	Loss of Property (Jail/YGC)	Closed	947.00	0.00	0.00	0.00
97-03345	06/30/96	LE CORNO, DOUGLAS	Loss of Property (Jail/YGC)	Closed	84.50	0.00	0.00	0.00
97-04296	08/29/95	BRYANT, SAMUEL	Loss of Property (Jail/YGC)	Closed	450.00	0.00	0.00	0.00
98-00883	09/12/95	PERKINS, TREVOR	Loss of Property (Jail/YGC)	Closed	50.00	0.00	0.00	0.00
98-03769	05/15/96	STEPHENS, II RAYMOND EARL	Loss of Property (Jail/YGC)	Closed	100.00	0.00	0.00	0.00
99-03944	04/03/96	PORNE, RONALD WADE	Loss of Property (Jail/YGC)	Closed	190.00	0.00	0.00	0.00
Totals:					25,920.57	0.00	0.00	0.00

Property lost claims for Sheriff's Department Printed.

79 claims printed on 09/22/99.

Search Criteria:

Cause Code is equal to Loss of Property (Jail/YGC)

Department is equal to SHERIFF County Sheriff (06)

Incident Date From 07/01/95 To 06/30/96

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
97-00143	07/10/96	DANSON, DARIN	Loss of Property (Jail/YGC)	Closed	280.00	0.00	0.00	0.00
97-00229	07/10/96	SANDERS, RONALD	Loss of Property (Jail/YGC)	Closed	68.00	0.00	0.00	0.00
97-00231	07/11/96	TERRY, ROYAL S.	Loss of Property (Jail/YGC)	Closed	74.00	0.00	0.00	0.00
97-00464	07/03/96	FANG, JIAN	Loss of Property (Jail/YGC)	Closed	67.44	0.00	0.00	0.00
97-00495	07/01/96	GRACE, GERRY	Loss of Property (Jail/YGC)	Closed	8.30	0.00	0.00	0.00
97-00709	08/16/96	SMITH, DONNIE	Loss of Property (Jail/YGC)	Closed	81.50	0.00	0.00	0.00
97-00730	07/12/96	COXAN, LEO E.	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
97-00841	07/19/96	FREEMAN, BRANDON D.	Loss of Property (Jail/YGC)	Closed	2.00	0.00	0.00	0.00
97-00877	09/10/96	TANKSLEY, JAMES BERNARD	Loss of Property (Jail/YGC)	Closed	245.00	0.00	0.00	0.00
97-00953	08/07/96	HINES, VINCENT	Loss of Property (Jail/YGC)	Closed	840.00	0.00	0.00	0.00
97-01149	09/09/96	DUMEN, ABDULLAH	Loss of Property (Jail/YGC)	Closed	236.00	0.00	0.00	0.00
97-01274	10/18/96	WHITE, JESSE R.	Loss of Property (Jail/YGC)	Closed	230.00	0.00	100.00	0.00
97-01372	10/16/96	LAFLAMME, DENICK A.	Loss of Property (Jail/YGC)	Closed	155.00	0.00	0.00	0.00
97-01500	07/03/96	CHAPMAN, JONATHAN	Loss of Property (Jail/YGC)	Closed	1,040.25	0.00	0.00	0.00
97-01526	09/20/96	EVANS, REGINALD	Loss of Property (Jail/YGC)	Closed	275.00	0.00	0.00	0.00
97-01527	11/10/96	HALL, TOMMY E.	Loss of Property (Jail/YGC)	Closed	282.00	0.00	0.00	0.00
97-01567	08/03/96	JOHNSON, RICHARD	Loss of Property (Jail/YGC)	Closed	415.00	0.00	0.00	0.00
97-01589	10/23/96	PARROTTA, CRAIG	Loss of Property (Jail/YGC)	Closed	285.00	0.00	0.00	0.00
97-01620	08/23/96	BERWETT, WILLIAM	Loss of Property (Jail/YGC)	Closed	250.00	0.00	0.00	0.00
97-01639	11/16/96	MIDDLEMISS, MICHAEL	Loss of Property (Jail/YGC)	Closed	115.00	0.00	0.00	0.00
97-01716	11/01/96	KIM, SUNG HYUJ	Loss of Property (Jail/YGC)	Closed	158.00	0.00	0.00	0.00
97-01739	11/01/96	DAVIS, BRUCE DRATG	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
97-01748	11/06/96	LANE, MICHAEL	Loss of Property (Jail/YGC)	Closed	312.00	0.00	0.00	0.00
97-01756	11/18/96	BARRIER, JAMES E.	Loss of Property (Jail/YGC)	Closed	2,074.99	0.00	0.00	0.00
97-01787	11/21/96	LATHAM, CHARLENE	Loss of Property (Jail/YGC)	Closed	233.99	0.00	0.00	0.00
97-01822	10/29/96	ALLEN, KXAN	Loss of Property (Jail/YGC)	Closed	252.00	0.00	0.00	0.00
97-01878	09/27/96	SIMS, RAY	Loss of Property (Jail/YGC)	Closed	350.00	0.00	0.00	0.00
97-01881	12/06/96	VARGAS, IRMA	Loss of Property (Jail/YGC)	Closed	70.00	0.00	0.00	0.00
97-01913	12/11/96	ALAS, MARTA	Loss of Property (Jail/YGC)	Closed	850.00	0.00	0.00	0.00
97-01933	12/14/96	WILKS, CASSELL	Loss of Property (Jail/YGC)	Closed	441.00	0.00	0.00	0.00
97-01934	10/22/96	DAVIS, ANDERSON	Loss of Property (Jail/YGC)	Closed by Batch	1,395.00	0.00	0.00	0.00
97-01981	08/15/96	BARRERA, LUIS MARTO	Loss of Property (Jail/YGC)	Closed	158.00	0.00	0.00	0.00
97-01984	12/02/96	JOHNSON, ROBIN FRANK	Loss of Property (Jail/YGC)	Closed	8.89	0.00	0.00	0.00
97-01985	11/07/96	EARLY, JUSTIN	Loss of Property (Jail/YGC)	Closed	25.55	0.00	0.00	0.00
97-02364	12/28/96	TALAO, JOSE	Loss of Property (Jail/YGC)	Closed by Batch	200.00	0.00	0.00	0.00
97-02422	12/16/96	CIRILLO, FERNANDO	Loss of Property (Jail/YGC)	Closed	165.00	0.00	0.00	0.00

Property lost claims for Sheriff's Department

Printed 09/22/99

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense paid
97-02440	01/21/97	JAVIER, ROBERTO	Loss of Property (Jail/YGC)	Closed	1,005.00	0.00	0.00	0.00
97-02529	01/21/97	SOUZA, SUZANNA	Loss of Property (Jail/YGC)	Closed	30.54	0.00	0.00	0.00
97-02530	12/23/96	JOHNSON, ROBIN	Loss of Property (Jail/YGC)	Closed by Batch	21.74	0.00	0.00	0.00
97-02703	08/10/96	GONZALEZ, ALFREDO	Loss of Property (Jail/YGC)	Closed	50.00	0.00	0.00	0.00
97-02806	01/06/97	CALDERON, ROBERTO	Loss of Property (Jail/YGC)	Closed	10,000.00	0.00	0.00	0.00
97-02823	11/23/96	MCCLORY, I CURTIS A.	Loss of Property (Jail/YGC)	Closed	1,500.00	0.00	0.00	0.00
97-02931	02/26/97	MISKULIN, MIKOLA	Loss of Property (Jail/YGC)	Closed by Batch	150.00	0.00	0.00	0.00
97-02948	09/06/96	FRAZIER, TONY	Loss of Property (Jail/YGC)	Closed	10,000.00	0.00	0.00	0.00
97-03077	02/13/97	CHRISTMAN, CHARLES LEROY	Loss of Property (Jail/YGC)	Closed	2,305.00	0.00	0.00	0.00
97-03098	11/13/96	GARCIA, CARLOS	Loss of Property (Jail/YGC)	Closed	18.05	0.00	0.00	0.00
97-03341	08/08/96	HELL, TOMMY	Loss of Property (Jail/YGC)	Closed	2,305.00	0.00	0.00	0.00
97-03343	11/13/96	GARCIA, CARLOS	Loss of Property (Jail/YGC)	Closed	213.60	0.00	0.00	0.00
97-03353	03/29/97	JINGLES, MICHAEL	Loss of Property (Jail/YGC)	Closed	60.00	0.00	0.00	0.00
97-03402	04/11/97	SMITH, JR. LAWRENCE L.	Loss of Property (Jail/YGC)	Closed	21.00	0.00	0.00	0.00
97-03509	08/05/96	PRIMES, MAURICE	Loss of Property (Jail/YGC)	Closed	19.52	0.00	0.00	0.00
97-03510	03/22/97	CARSON, VICTOR T.	Loss of Property (Jail/YGC)	Closed	1,000.00	0.00	0.00	0.00
97-03588	10/13/96	DAWSON, DARIN Y.	Loss of Property (Jail/YGC)	Closed	25.00	0.00	0.00	0.00
97-03590	02/26/97	JONES, TYRONE	Loss of Property (Jail/YGC)	Closed by Batch	2,000.00	0.00	0.00	0.00
97-03599	03/20/97	SAMOGANO, FRANK	Loss of Property (Jail/YGC)	Closed	237.95	0.00	0.00	0.00
97-03715	12/17/96	FELIX, SCOTT EMERSON	Loss of Property (Jail/YGC)	Closed	92.95	0.00	0.00	0.00
97-03716	02/15/97	THOMPSON, ROBERT	Loss of Property (Jail/YGC)	Closed	10,000.00	0.00	0.00	0.00
97-03763	10/31/96	THOMPSON, ALVIN KENNETH	Loss of Property (Jail/YGC)	Closed	6.01	0.00	0.00	0.00
97-03837	01/25/97	BLACK, JEROME	Loss of Property (Jail/YGC)	Closed	3,047.49	0.00	0.00	0.00
97-03929	03/03/97	JOHNSON, DAVID C.	Loss of Property (Jail/YGC)	Closed	535.00	0.00	0.00	0.00
97-04155	01/23/97	FELIX, SCOTT E. (J-1608781)	Loss of Property (Jail/YGC)	Closed	399.00	0.00	0.00	0.00
97-04254	08/12/96	RUSLING, PERRY	Loss of Property (Jail/YGC)	Closed	10,000.00	0.00	0.00	0.00
97-04348	01/28/97	SIMON, JEREMY MAX	Loss of Property (Jail/YGC)	Closed	204.00	0.00	0.00	0.00
98-00037	06/23/97	GILLMAN, PAUL LAWRENCE	Loss of Property (Jail/YGC)	Closed	14.00	0.00	0.00	0.00
98-00120	10/27/96	KNIGHT, ANTHONY D.	Loss of Property (Jail/YGC)	Closed	159.17	0.00	0.00	0.00
98-00222	04/16/97	JOHNSON, MICHAEL EUGENE	Loss of Property (Jail/YGC)	Open	20.00	0.00	0.00	0.00
98-00253	06/28/97	CHATHAM, DAVID	Loss of Property (Jail/YGC)	Closed	117.00	0.00	0.00	0.00
98-00279	06/10/97	SCOTT, STEVEN B.	Loss of Property (Jail/YGC)	Closed	145.79	0.00	0.00	0.00
98-00290	01/18/97	WEAVER, SCOTT	Loss of Property (Jail/YGC)	Closed	1,016.00	0.00	0.00	0.00
98-00328	01/30/97	FELIX, SCOTT E.	Loss of Property (Jail/YGC)	Closed	14.82	0.00	0.00	0.00
98-00468	05/30/97	SARGENT, AMBER	Loss of Property (Jail/YGC)	Closed	10.20	0.00	0.00	0.00
98-00469	06/21/97	SARGENT, AMBER	Loss of Property (Jail/YGC)	Closed	10.20	0.00	0.00	0.00

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
98-00650	06/30/97	HUTCHINGS, DAVID (#59341)	Loss of Property (Jail/YGC)	Closed	13.16	0.00	0.00	0.00
98-00676	05/20/97	TERRY, JOHN	Loss of Property (Jail/YGC)	Closed	468.00	0.00	0.00	0.00
98-00752	02/07/97	WASHINGTON, WILTON ROBERT	Loss of Property (Jail/YGC)	Closed	100.00	0.00	0.00	0.00
98-00914	06/16/97	RODRIGUEZ, NESTOR DANIEL	Loss of Property (Jail/YGC)	Open	45.00	0.00	0.00	0.00
98-01213	01/28/97	SMITH, MARC E.	Loss of Property (Jail/YGC)	Closed	350.00	0.00	0.00	0.00
98-01456	05/05/97	RODRIGUEZ, RODOLFO	Loss of Property (Jail/YGC)	Closed	10,000.00	0.00	0.00	0.00
99-01344	01/15/97	RICHMOND, JAMES B.	Loss of Property (Jail/YGC)	Closed	560.00	0.00	0.00	0.00
Totals:					89,917.30	0.00	100.00	0.00

 Property lost claims for Sheriff's Department Printed.
 79 claims printed on 09/22/99.

Search Criteria:

Cause Code is equal to Loss of Property (Jail/YGC)
 Department is equal to SHERIFF County Sheriff (06)
 Incident Date From 07/01/96 To 06/30/97

Property lost claims for Sheriff's Department

Printed 09/22/99

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
00-00342	09/29/97	O'HEARN, PATRICK	Loss of Property (Jail/YGC)	Open	425.00	0.00	3.00	0.00
98-00451	08/05/97	HARP, JR. GABRIEL P.	Loss of Property (Jail/YGC)	Closed	450.00	0.00	0.00	0.00
98-00591	07/09/97	MULLINS, JOHN F.	Loss of Property (Jail/YGC)	Closed	32.00	0.00	0.00	0.00
98-00640	07/15/97	FAGUNDES, MELISSA	Loss of Property (Jail/YGC)	Closed	60.00	0.00	0.00	0.00
98-00735	08/10/97	KEARNEY, CYNTHIA	Loss of Property (Jail/YGC)	Closed	175.00	0.00	0.00	0.00
98-00974	08/02/97	PERKINS, CLARENCE	Loss of Property (Jail/YGC)	Closed	271.00	0.00	0.00	0.00
98-00976	09/15/97	AGNEH, MARILYN JEAN	Loss of Property (Jail/YGC)	Closed	1,232.80	0.00	0.00	0.00
98-01205	08/13/97	MCNALLY, MATTHEW A.	Loss of Property (Jail/YGC)	Open	43.70	0.00	0.00	0.00
98-01260	08/04/97	PATTERSON, SON DRIA K.	Loss of Property (Jail/YGC)	Closed	73.00	0.00	0.00	0.00
98-01282	09/30/97	PHILIPS, RONALD O.	Loss of Property (Jail/YGC)	Closed	1,000.00	0.00	0.00	0.00
98-01318	09/27/97	ANDRIOTAKIS, KIMBERLY	Loss of Property (Jail/YGC)	Closed	701.20	0.00	0.00	0.00
98-01548	08/28/97	ORTIZ, ALFREDO #H-20378	Loss of Property (Jail/YGC)	Closed	683.00	0.00	0.00	0.00
98-01747	09/30/97	DURIHAM, ROBERT #1704554	Loss of Property (Jail/YGC)	Closed	231.00	0.00	0.00	0.00
98-01780	08/20/97	MORGAN, TERRY	Loss of Property (Jail/YGC)	Open	140.00	0.00	0.00	0.00
98-01846	11/29/97	CESAR, JOSE MANUEL	Loss of Property (Jail/YGC)	Closed	226.25	0.00	0.00	0.00
98-02343	07/01/97	BRAGGS, THEODORE A.	Loss of Property (Jail/YGC)	Closed	1,205.00	0.00	0.00	0.00
98-02507	01/25/98	KHIGUIT, ANTHONY M.	Loss of Property (Jail/YGC)	Open	638.00	0.00	0.00	0.00
98-02630	02/06/98	JONES, JUAN	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
98-02659	11/20/97	SCHNEIDER, JENNIFER	Loss of Property (Jail/YGC)	Closed	180.00	0.00	135.00	3.00
98-02725	12/07/97	LIPFINGCOFF, ULAIRE #172552	Loss of Property (Jail/YGC)	Closed	4.74	0.00	0.00	0.00
98-02774	02/11/98	Hudson, Leo	Loss of Property (Jail/YGC)	Closed	265.45	0.00	0.00	0.00
98-02806	01/01/98	ABUJABER, ISSA J.	Loss of Property (Jail/YGC)	Open	75.00	0.00	0.00	0.00
98-03126	01/29/98	PATTERSON, SONDRIA K.	Loss of Property (Jail/YGC)	Open	60.00	0.00	0.00	0.00
98-03127	12/26/97	MOORE, (#17603308) MATTHEW	Loss of Property (Jail/YGC)	Closed	169.00	0.00	169.00	0.00
98-03208	03/20/98	KELLER, WILLIAM	Loss of Property (Jail/YGC)	Closed	100.00	0.00	100.00	0.00
98-03854	04/30/98	RAY, THOMAS WARREN	Loss of Property (Jail/YGC)	Closed	1,100.00	0.00	0.00	0.00
98-04203	05/21/98	WHITE, VICTORIA LEE	Loss of Property (Jail/YGC)	Closed	195.00	0.00	0.00	0.00
99-00190	06/01/98	GARDNER, JR. ALEXANDER B.	Loss of Property (Jail/YGC)	Closed	250.00	0.00	0.00	0.00
99-00198	04/17/98	BRAAE, FRANCES	Loss of Property (Jail/YGC)	Open	3,925.00	0.00	0.00	0.00
99-00270	06/11/98	KHIGUIT, WARREN	Loss of Property (Jail/YGC)	Closed	725.00	0.00	0.00	0.00
99-00497	06/16/98	ANDUHA, CRAIG A.	Loss of Property (Jail/YGC)	Closed	303.00	0.00	0.00	0.00
99-00498	05/21/98	TURNER, TEDDY	Loss of Property (Jail/YGC)	Closed	400.00	0.00	0.00	0.00
99-00517	06/24/98	HENDERSON, DONELL CHARLES	Loss of Property (Jail/YGC)	Open	160.00	0.00	0.00	0.00
99-00591	03/28/98	SIMS, RAY	Loss of Property (Jail/YGC)	Closed	10,000.00	0.00	0.00	0.00
99-00640	02/27/98	MAXWELL, BURTON	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
99-00720	05/01/98	SWEETS, HARLEEN	Loss of Property (Jail/YGC)	Open	7,500.00	0.00	0.00	0.00

Property lost claims for Sheriff's Department

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
99-01071	06/26/98	MARSHALL, DAVID	Loss of Property (Jail/YGC)	Closed	36.95	0.00	36.95	0.00
99-01144	06/23/98	WILLIAMS, IIT ROY	Loss of Property (Jail/YGC)	Closed	490.00	0.00	0.00	0.00
99-01374	10/28/97	PETWAY, ISAAC	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
99-01750	05/27/98	JENNIS, JADE RIVER	Loss of Property (Jail/YGC)	Open	4,277.00	0.00	0.00	0.00
99-01987	11/05/97	VAUGHN, LEON	Loss of Property (Jail/YGC)	Open	200.00	0.00	0.00	0.00
99-02916	06/30/98	SWEETS, HARLEEM X.	Loss of Property (Jail/YGC)	Closed	7,500.00	0.00	0.00	0.00
99-03605	05/08/98	ADAMS, MARC ANDERSON	Loss of Property (Jail/YGC)	Closed	820.00	0.00	0.00	0.00
99-04026	07/30/97	PEOPLES, ANDRAY	Loss of Property (Jail/YGC)	Open	250.00	0.00	0.00	0.00
Totals:					46,593.09	0.00	440.96	0.00

Totals:

Property lost claims for Sheriff's Department Printed.

44 claims printed on 09/22/99.

Search Criteria:

Cause Code is equal to Loss of Property (Jail/YGC)

Department is equal to SHERIFF County Sheriff (06)

Incident Date From 07/01/97 To 06/30/98

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Rate
00-00017	06/14/99	GERBEKEDHIN, NETSANET	Loss of Property (Jail/YGC)	Open	0.00	0.00	0.00	0.00
00-00040	12/16/98	CURRY, GERALD J.	Loss of Property (Jail/YGC)	Open	893.00	0.00	0.00	0.00
99-00669	08/21/98	ZENG, CARLOS	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
99-00693	07/29/98	SABATHIA, MICHAEL	Loss of Property (Jail/YGC)	Closed	25.00	0.00	0.00	0.00
99-00979	08/16/98	SHAW, WAYNE A.	Loss of Property (Jail/YGC)	Closed	310.00	0.00	0.00	0.00
99-01009	07/19/98	BOOKER, JR. WILLIAM	Loss of Property (Jail/YGC)	Closed	250.00	0.00	0.00	0.00
99-01011	09/16/98	PENDELTON, ROBERT	Loss of Property (Jail/YGC)	Closed	305.33	0.00	0.00	0.00
99-01065	09/22/98	MURRAY, JACQUELYN	Loss of Property (Jail/YGC)	Closed	5,680.00	0.00	0.00	0.00
99-01128	07/29/98	SABATHIA, MICHAEL	Loss of Property (Jail/YGC)	Closed	25.00	0.00	25.00	0.00
99-01346	10/08/98	REESE, REGINALD	Loss of Property (Jail/YGC)	Closed	10,945.95	0.00	0.00	0.00
99-01610	07/15/98	ROBINSON, JOHN F. OR JONES,	Loss of Property (Jail/YGC)	Closed	565.00	0.00	0.00	0.00
99-01658	10/25/98	HEUSTEDTER, LAURA MARIA	Loss of Property (Jail/YGC)	Closed	123.00	0.00	0.00	0.00
99-01678	07/07/98	DONNEY, RANDY	Loss of Property (Jail/YGC)	Closed	318.00	0.00	0.00	0.00
99-01741	10/06/98	HERNANDEZ, ROBERTO	Loss of Property (Jail/YGC)	Open	180.00	0.00	0.00	0.00
99-01883	10/20/98	FABEC, KAREN	Loss of Property (Jail/YGC)	Closed	138.00	0.00	0.00	0.00
99-01983	07/24/98	BYRD, ROLAND	Loss of Property (Jail/YGC)	Closed	177.00	0.00	88.50	0.00
99-02054	11/24/98	LAN, KEI-MAN	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
99-02091	12/27/98	CROSBY, JAMIE	Loss of Property (Jail/YGC)	Closed	675.00	0.00	0.00	0.00
99-02119	12/21/98	GORDON, WILLIAM C.	Loss of Property (Jail/YGC)	Closed	510.00	0.00	0.00	0.00
99-02134	11/03/98	BOSWELL (#1786559), RONALD	Loss of Property (Jail/YGC)	Closed	47.00	0.00	0.00	0.00
99-02236	11/19/98	DAVIS, ELLIOTT WILLIS	Loss of Property (Jail/YGC)	Open	132.76	0.00	0.00	0.00
99-02296	12/19/98	HILL, TAKMENIKA	Loss of Property (Jail/YGC)	Closed	6.42	0.00	6.42	0.00
99-02645	01/31/99	CARTER, KENNARD DESHAH	Loss of Property (Jail/YGC)	Closed	162.00	0.00	162.00	0.00
99-02708	02/16/99	SEULOWICH, MELVA	Loss of Property (Jail/YGC)	Closed	595.38	0.00	0.00	0.00
99-02786	12/21/98	BAKER, JR. EARL	Loss of Property (Jail/YGC)	Closed	1,204.00	0.00	0.00	0.00
99-02909	03/01/99	OATES, LARRY L.	Loss of Property (Jail/YGC)	Closed	150.00	0.00	0.00	0.00
99-02932	02/15/99	LONG (#1929589), ROBERT	Loss of Property (Jail/YGC)	Released	80.00	0.00	0.00	0.00
99-02957	02/03/99	DIAZ, ROONEY ZEA	Loss of Property (Jail/YGC)	Closed	60.00	0.00	0.00	0.00
99-02959	12/08/98	WETTEREEL, DAVID JOSEF	Loss of Property (Jail/YGC)	Closed	900.00	0.00	0.00	0.00
99-02996	03/07/99	WILKES, DAVID	Loss of Property (Jail/YGC)	Open	80.00	0.00	0.00	0.00
99-02997	02/10/99	RECTOR, CHRISTIAN	Loss of Property (Jail/YGC)	Closed	1,500.00	0.00	0.00	0.00
99-03057	02/27/99	BLOOMER, BRIAN	Loss of Property (Jail/YGC)	Closed	0.00	0.00	0.00	0.00
99-03120	03/22/99	HADISON, BRIAN	Loss of Property (Jail/YGC)	Closed	850.00	0.00	0.00	0.00
99-03166	09/12/98	HIXON, JAMES AKA GIBBS, JAMES	Loss of Property (Jail/YGC)	Open	45.00	0.00	0.00	0.00
99-03426	02/25/99	FRUTHI, CRAIG JOHN	Loss of Property (Jail/YGC)	Closed	26.22	0.00	0.00	0.00
99-03450	02/10/99	RON ANDREWS MEDICAL CO	Loss of Property (Jail/YGC)	Closed	640.00	0.00	640.00	0.00

Property lost claims for Sheriff's Department

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
99-03451	03/22/99	WILLIAMS, STANLEY	Loss of Property (Jail/YGC)	Open	200.00	0.00	0.00	0.00
99-03516	11/04/98	SMITH, RUBY J.	Loss of Property (Jail/YGC)	Closed	1,000.00	0.00	0.00	0.00
99-03761	04/19/99	HILL (#1820972), TAYMENIKA	Loss of Property (Jail/YGC)	Open	22.46	0.00	0.00	0.00
99-03945	03/28/99	DAVIS, JULIO AKA DAVIS, LARRY	Loss of Property (Jail/YGC)	Closed	129.00	0.00	0.00	0.00
99-04016	05/07/99	BLOOMER, CHRISTIAN	Loss of Property (Jail/YGC)	Closed	3,225.00	0.00	0.00	0.00
99-04017	05/25/99	BLOOMER, CHRISTIAN	Loss of Property (Jail/YGC)	Open	0.00	0.00	0.00	0.00
99-04057	12/30/98	COLLINS, III MARSHALL	Loss of Property (Jail/YGC)	Closed	60.00	0.00	0.00	0.00
99-04096	04/29/99	WILLIAMS, KELLY	Loss of Property (Jail/YGC)	Open	0.00	0.00	0.00	0.00
Totals:					32,235.52	0.00	921.92	0.00

 Property lost claims for Sheriff's Department Printed.
 44 claims printed on 09/22/99.

Search Criteria:

Department is equal to SHERIFF County Sheriff (06)

Cause Code is equal to Loss of Property (Jail/YGC)

Incident Date From 07/01/98 To 06/30/99

Property lost claims for Sheriff's Department

Printed 09/22/99

Claim #	Date of Loss	Claim Name	Cause	Claim Status	Claimed Amount	Indemnity Reserve	Indemnity Paid	Expense Paid
00-00320	07/24/99	GAMARRA, GREG A	Loss of Property (Jail/YGC)	Open	130.00	0.00	0.00	0.00
00-00923	08/02/99	SIULKIN, DIAN	Loss of Property (Jail/YGC)	Open	17.30	0.00	0.00	0.00
00-00944	08/10/99	HERNANDEZ, LAWRENCE C.	Loss of Property (Jail/YGC)	Open	465.00	0.00	0.00	0.00
Totals:					632.38	0.00	0.00	0.00

Property lost claims for Sheriff's Department Printed.

3 claims printed on 09/22/99.

Search Criteria:

Cause Code is equal to Loss of Property (Jail/YGC)

Department is equal to SHERIFF County Sheriff (06)

Incident Date From 07/01/99 To 06/30/00

SHERIFF'S DEPARTMENT

ATTACHMENT 4

San Francisco Sheriff's Department
Procedure Number F-06,
"Prisoner Grievance"
dated 09/17/97

SAN FRANCISCO SHERIFF'S DEPARTMENT



Procedure Number: F-06	
Date Issued: June 29, 1995	Date Revised: 9/17/97
Approved by: <i>Walter Hurd</i>	
Chapter: Prisoner	

POLICY AND PROCEDURE

SUBJECT: Prisoner Grievance

POLICY:

The San Francisco Sheriff's Department shall provide a grievance process to prisoners to allow systematic redress of conditions related to confinement. All grievances shall receive a written, signed response within the guidelines required by these procedures. This system will encourage internal problem solving at the level of most direct prisoner contact, offer facility administrators a means for continuous review of administrative policy and procedure, and provide written documentation of prisoner complaints and the responses to such grievances.

PURPOSE:

To outline criteria for use of the Prisoner Grievance System in compliance with Section 1073 of the California Administrative Code, Title 15.

DEFINITIONS:

Action Request Form - A form available at each facility for the prisoner to request action such as money transfers, legal assistance, etc., or to make a complaint about some aspect of confinement. Should be used to resolve an issue prior to filing a formal grievance.

Designated Supervisor - A person, designated by the Facility Commander or contract agency director, who is responsible for ensuring a response to the Ombudsman's office.

Grievance - A formal written complaint about the conditions of confinement in the jails including jail operations, jail personnel or department policies/procedures.

General Grievance - A form for filing grievances related to problems governed solely by the Sheriff's Department.

Medical Grievance - A grievance related to services provided by the Public Health Department's Forensic Division or its' personnel, policies or procedures. Medical grievances are filed on medical grievance forms and handled by appropriate Forensic staff supervisors.

Vexatious Grievant - A prisoner who files an unreasonable number of grievances. A prisoner deemed vexatious shall be notified of the designation and shall be allowed to file only one grievance on one issue per week. The Ombudsman has the sole power to designate a prisoner as a Vexatious Grievant, and shall do so in writing.

Meritless Grievance - An incomplete or frivolous grievance is deemed without merit when

1. The problem described or the resolution requested is so vague that neither the Ombudsman or the designated supervisor can determine the nature of the problem and/or the nature of the requested relief;
2. The problem is one over which the Sheriff's Department has no control; OR
3. The relief requested is not an action the Sheriff's Department can reasonably be expected to take.

OMBUDSMAN CHARTER:

The Ombudsman is responsible for the resolution of grievances related to any condition of confinement that a prisoner may experience during custody. In accordance with Title 15, Section 1073, those conditions include, "but are not limited to medical care, classification actions, disciplinary actions, program participation, telephone, mail, visiting, procedures, food, clothing and bedding".

The four characteristics of the position are neutrality, independence, confidentiality and the ability to recommend policy and procedural changes. The Ombudsman is neither an administrator nor a Deputy. Rather she/he acts as a neutral third party. She/he has the authority to investigate any act, omission, decision, practice or any affected policies and/or procedures within the Department.

Confidentiality is critical to the success of the Ombudsman. Information given to the Office of the Ombudsman in confidence, will remain WITHIN her/his confidence. The Sheriff's Department Administration will not violate that trust.

The Ombudsman cannot make policy or procedural changes, but may recommend changes to the appropriate administrator(s). It is the responsibility of administrators to implement or not the recommendations. Depending on administrative action, the Ombudsman has the discretion to issue a public report. It is appropriate to view the Office of the Ombudsman as a tool for management.

Other powers of the Ombudsman include:

- *Complete access to all Sheriff's Department records, excluding personnel, backgrounds and IA records.
- *Complete freedom to inspect all Department facilities at any time.
- *Ability to initiate grievances.
- *Responsibility to make referrals within the Department and to agencies with which the Ombudsman has official contact.

Areas of operation include all county jails, courts, alternative programs and any other program which has Sheriff's custodies.

There is an important distinction between the Ombudsman and Internal Affairs. It is the responsibility of Internal Affairs to investigate complaints of alleged violations of the law or departmental rules and regulations by staff. The Ombudsman will handle grievances that do not involve possible disciplinary action of deputized staff.

The Office of the Ombudsman will issue quarterly reports to the Sheriff and administrators that will include the following:

- *Number of grievances filed, with breakdown by type
- *Policy and procedure change recommendations

The Ombudsman may serve as a mediator during disturbances within the jails. A facility or Watch Commander may use their discretion as to whether or not the Ombudsman will be used to assist in neutralizing a tense situation.

PROCEDURE:

I. Prisoner Grievance Rights

- A. Each prisoner confined in any facility or program operated by the Sheriff shall have the following rights under the prisoner grievance system.
 - 1. The right to grieve any administrative policy or procedure.
 - 2. The right to be given a grievance form upon request.
 - 3. The right to have the grievance logged and directed by the Ombudsman.
 - 4. The right to receive a written response to the grievance.
 - 5. The right to seek formal redress without fear of reprisal.
 - 6. The right to receive grievance responses in a timely manner.
 - 7. The right to appeal decisions to the Undersheriff, Chief or appropriate supervisor as determined by the Ombudsman. The prisoner will be notified when she/he has exhausted her/his administrative remedies.
- B. In accordance with these rights, prisoners are responsible for knowing and abiding by the rules, procedures and schedules of the facility where they are confined. It is the prisoner's responsibility to be truthful, specific and complete in presenting a grievance.

II. Pre-Grievance Problem Solving

- A. A prisoner may choose to initiate direct correspondence, rather than a grievance, to the Sheriff, Facility Commander, etc. That correspondence may be handled directly by the person to whom it was sent or can be forwarded to the Office of the Ombudsman for action and response.

- B. Informal resolution between staff and prisoner is strongly encouraged, both to provide an immediate response to the prisoner and to avoid over-burdening the grievance system. Therefore, the prisoner should be encouraged to utilize verbal interaction and the action request system to solve the problem at the lowest possible level of supervision.

III. Formal Grievance Procedure

- A. At the prisoner's request, whether or not the prisoner has previously filed an action request, the deputy or the supervisor shall give her/him a blank general grievance form or medical grievance form as appropriate.
- B. The grievance consists of 4 duplicate pages with instructions to be distributed as follows:
 - 1. White (original) filed by the Ombudsman and retained for 3 years after the grievance process is complete.
 - 2. Yellow (second copy) to be given to the Facility Commander or designated supervisor upon completion of the grievance.
 - 3. Pink (third copy) to be given to the Facility Commander pre-logging. If it is a medical grievance the pink copy shall be routed to the Facility Nurse Manager.
 - 4. Gold (fourth copy) to be retained by the prisoner as a record of her/his grievance at the time of initiation.
- C. The staff member receiving the grievance shall route the grievance to the Ombudsman after delivering the pink copy to the Facility Commander or Nurse Manager.
- D. The Ombudsman shall date the grievance, assign it a log number and refer to the designated supervisor for a response.
- E. Once the designated supervisor has responded to the grievance it will be returned to the Ombudsman to forward to the prisoner.
- F. The prisoner may check the appropriate satisfied box and sign or appeal. The grievance will be returned to the Ombudsman through inter-office mail.
- G. If the prisoner returns the grievance satisfied, the Ombudsman shall close and file the grievance.
- H. If the prisoner desires to appeal and the appeal is deemed with merit it will be forwarded to the next higher designated supervisor for final response.
- I. Once the appeal is complete the prisoner shall be notified that her/his administrative remedies have been exhausted. The appeal response shall be forwarded to the Facility Commander and prisoner. Appeal decisions complete the grievance process and are final.

IV. Staff Misconduct

- A. Staff misconduct grievances will be handled by the Ombudsman, supervisor's designee and if necessary, the Internal Affairs Division.

- B. All staff misconduct grievances shall be logged and referred to the appropriate supervisor for response as outlined in Section III. Grievances referred to the facility shall not be forwarded to Internal Affairs unless an emergency situation is evident. Only the Ombudsman shall refer the grievance to the Administrative Chief after the facility has responded in Section C of the grievance.
- C. If the prisoner wishes to appeal the response concerning a Sheriff's employee, volunteer or contract employee supervised by the Sheriff's Department, the appeal will be forwarded to the Chief Deputy who may:
 - 1. Deny the appeal;
 - 2. Refer the matter to the Undersheriff for consideration; OR
 - 3. Refer the matter to Internal Affairs for an investigation.
- D. If the matter is related to the Public Health Department, the grievance shall be forwarded to the next higher supervisor designee for internal action, if deemed necessary. A copy of the completed appeal shall be forwarded to the Undersheriff for informational purposes only.
- E. The prisoner shall receive notification that the matter is being investigated. She/he will be further instructed that personnel matters are confidential, and a detailed response related to personnel matters will not be provided through the grievance process.

V. Record Retention

- A. All grievances shall be filed and held for 3 years.
- B. The Ombudsman shall maintain and provide grievance statistics to department administrators for the purpose of developing problem solving tactics, re-prioritizing procedures and creating new policies and procedures.

SHERIFF'S DEPARTMENT

ATTACHMENT 5

San Francisco Sheriff's Department
Prisoner Grievance Form
(revised 1/95)

SAN FRANCISCO SHERIFF'S DEPARTMENT PRISONER GRIEVANCE

PART A *Complete Part A of this form, keep the gold copy for your records, and give the completed form to a staff member.*

NAME _____ WRISTBAND # _____

FACILITY _____ CELL _____ DATE _____

Describe the problem and how you have tried to resolve the matter:

What do you want done?

.....
PART B OMBUDSMAN REFERRAL

		Log # _____
Refer to _____	By _____	Date _____
Response letter sent	By _____	Date _____
Not logged as a grievance	By _____	Date _____
Claim form sent	By _____	Date _____

.....

PART C FACILITY OR AGENCY RESPONSE By _____ Date _____

.....
PART D RETURN TO PRISONER

_____ I am satisfied with this response. Prisoner Signature: _____

_____ I wish to appeal because:

.....
PART E FURTHER ACTION TAKEN BY OMBUDSMAN

ISO _____ OSO _____ NIC _____ Over 30 days _____

Appeal Handled _____ Comment _____

.....

White: Ombudsman file

Yellow: Facility file

Pink: Facility Commander

Gold: Prisoner

Rev. 1/95

DIRECTIONS FOR FILING A GRIEVANCE

1. If you have a problem, related to the condition of your confinement, which cannot be solved by speaking with staff and/or filing an ACTION REQUEST you may chose to file a grievance.
2. Complete Section A only. If you need additional space please attach paper to your grievance.
3. If it is a MEDICAL or Psychiatric problem please fill out a **MEDICAL GRIEVANCE**. If a general grievance is filed related to a medical problem it will be sent back to you with a blank medical grievance form to complete.
4. You may give your grievance to a staff person for routing to the Ombudsman or you may send it via the U.S. Mail to:

Ombudsman
Sheriff's Department
555 7th Street
San Francisco, CA. 94103

5. The Ombudsman will determine if, indeed, you have a grievance. If you do the grievance will be logged and forwarded to the designated supervisor for a response.
6. Once our office receives the response we will forward it to you to complete Section D. If you wish to appeal please be specific.
7. Each step of the process we will advise you. Once you have exhausted your administrative remedies we may refer you to Prisoner Legal Services for further assistance.
8. Please be advised that if you grieve a staff person we will proceed to resolve the problem. However, you must know that personnel matters are, by law, confidential. Therefore, you will not be advised of the outcome of the situation. If it is necessary a matter will be referred to Internal Affairs for an investigation..

PRISONER GRIEVANCE RIGHTS

1. The right to grieve any administrative policy or procedure.
 2. The right to be given a grievance form upon request.
 3. The right to have a grievance logged and directed by the Ombudsman.
 4. The right to receive a written response to the grievance.
 5. The right to seek formal redress without fear of reprisal.
 6. The right to receive grievance responses in a timely manner.
 7. The right to appeal decisions to the Undersheriff, Chief, or appropriate supervisor as determined by the Ombudsman. The prisoner will be notified when s/he has exhausted his/her administrative remedies.
- In accordance with these rights prisoners have the responsibility for knowing and abiding by the rules, procedures and schedules of the facility in which they are confined. It is also the responsibility of the prisoner to be truthful, specific and complete in presenting a grievance.

**SAN FRANCISCO SHERIFF'S DEPARTMENT
MEDICAL/PSYCHIATRIC GRIEVANCE**

PART A

Complete Part A of this form, keep the gold copy for your records.

NAME _____ WRISTBAND # _____

FACILITY # _____ CELL _____ DATE OF BIRTH _____ DATE _____

Describe the problem : (Include parties involved & dates where possible)

What do you want done?

I hereby authorize Medical Services _____ Psychiatric Services _____ (INITIAL ONE) to disclose information contained in my records which pertain to the above complaint to the Office of Prisoner Legal Service/Ombudsman of the S.F. Sheriff's Department. This release shall terminate on: _____.

CLIENT

SIGNATURE: _____ WITNESS: _____

PART B OMBUDSMAN REFERRAL

Log # _____

Refer to _____ By _____ Date _____

Response letter sent _____ By _____ Date _____

You are seeking treatment; see attached _____ By _____ Date _____

Claim form sent _____ By _____ Date _____

PART C JAIL MED/ PSYCH RESPONSE

By _____ Date R _____

Date A _____

PART D FURTHER TO PRISONER ____ I am satisfied with the response. ____ I wish to appeal because:

PART E FURTHER ACTION TAKEN BY OMBUDSMAN

ISO _____ OSO _____ NIC _____ Over 30 days _____

Appeal Handled _____ Comment _____

DIRECTIONS FOR FILING A GRIEVANCE

1. If you have a problem, related to the condition of your confinement, which cannot be solved by speaking with staff and/or filing an ACTION REQUEST you may chose to file a grievance.
2. Complete Section A only. If you need additional space please attach paper to your grievance.
3. If it is a MEDICAL or Psychiatric problem please fill out a **MEDICAL GRIEVANCE**. If a general grievance is filed related to a medical problem it will be sent back to you with a blank medical grievance form to complete.
4. You may give your grievance to a staff person for routing to the Ombudsman or you may send it via the U.S. Mail to:

Ombudsman
Sheriff's Department
555 7th Street
San Francisco, CA. 94103

5. The Ombudsman will determine if, indeed, you have a grievance. If you do the grievance will be logged and forwarded to the designated supervisor for a response.
6. Once our office receives the response we will forward it to you to complete Section D. If you wish to appeal please be specific.
7. Each step of the process we will advise you. Once you have exhausted your administrative remedies we may refer you to Prisoner Legal Services for further assistance.
8. Please be advised that if you grieve a staff person we will proceed to resolve the problem. However, you must know that personnel matters are, by law, confidential. Therefore, you will not be advised of the outcome of the situation. If it is necessary a matter will be referred to Internal Affairs for an investigation..

PRISONER GRIEVANCE RIGHTS

1. The right to grieve any administrative policy or procedure.
2. The right to be given a grievance form upon request.
3. The right to have a grievance logged and directed by the Ombudsman.
4. The right to receive a written response to the grievance.
5. The right to seek formal redress without fear of reprisal.
6. The right to receive grievance responses in a timely manner.
7. The right to appeal decisions to the Undersheriff, Chief, or appropriate supervisor as determined by the Ombudsman. The prisoner will be notified when s/he has exhausted his/her administrative remedies.

In accordance with these rights prisoners have the responsibility for knowing and abiding by the rules, procedures and schedules of the facility in which they are confined. It is also the responsibility of the prisoner to be truthful, specific and complete in presenting a grievance.

SHERIFF'S DEPARTMENT

ATTACHMENT 6

Letter from San Francisco Sheriff's Office,
to Civil Grand Jury Office,
Summary Report of Filed Grievances,
June 23, 2000

City and County of San Francisco

OFFICE OF THE SHERIFF



Michael Hennessey
SHERIFF

(415) 554-7225

June 23, 2000
Ref: C-00-036

Mr. Gary Giubbini
Civil Grand Jury
400 McAllister Street, Room 008
San Francisco, CA 94102

Dear Gary,

Enclosed is a summary report of grievances filed that was requested by Mr. Marvin Pheffer, Ms. Yoomie Ahn and Mr. David Sahagan. Would you be so kind as to convey it to them?

Thanks very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eileen Hirst", written over a horizontal line.

EILEEN HIRST
Chief of Staff

San Francisco Sheriff's Department Grievance Statistics

9/99-6/19/00	CJ#1	CJ#2	CJ#3	CJ#7	CJ#8	CJ#9	Total
Food	15	37	31	22	47	0	152
Legal	7	15	13	4	2	0	41
Staff	16	49	39	27	14	1	146
*excessive	9	8	4	1	0	2	27
Living							
Conditions	16	21	24	8	10	0	79
Title 15	10	21	246	8	0	0	45
Mail	6	11	28	8	3	0	56
Classification	13	19	16	6	3	0	57
* Phone	27	55	38	20	7	0	147
Commissary	13	27	27	10	3	0	80
Recreation	3	8	0	1	1	0	13
Religion	2	5	1	1	2	0	11
Programs	3	11	2	19	2	1	38
Discipline	4	11	19	11	9	0	54
Visiting	1	5	4	0	0	0	10
Clothing	5	4	8	8	0	0	25
Property	12	31	20	13	10	0	86
Medical	65	140	85	56	108	0	454
Total	227	478	368	223	221	4	2,808

* Phone totals do not reflect the true number of complaints.

Complaints related to phone service are often sent direct to Lt. LaVigne or Chief Dempsey.

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

Report of the
1999-2000 San Francisco Civil Grand Jury

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

SUMMARY

Our review shows that combining the San Francisco Police and Sheriff's departments could yield some benefits. Several large cities have derived substantial benefits from such a consolidation. Benefits of such a consolidation for San Francisco could include a lower dropout rate, greater economies of scale, possible reduction in duplicative administrative functions, coordination of departmental policies, lower personnel turnover, increased training and orientation opportunities, and more efficient hiring.

The Civil Grand Jury recommends that San Francisco convene an advisory commission to perform a detailed, in-depth study of the benefits of a merger between the San Francisco Police Department and the San Francisco Sheriff's Department.

BACKGROUND

Section 928 of the California Penal Code authorizes the Civil Grand Jury to review government structure with respect to cost effectiveness. We interviewed several San Francisco personnel from the Police and Sheriff departments regarding the possibility of a merger or consolidation between the Police and Sheriff's departments. None of the personnel we interviewed were aware of any discussions either in the past or present that had considered this issue; however, these personnel also did not present any material objection to consideration of the concept.

INVESTIGATION

The Civil Grand Jury reviewed experiences elsewhere in the United States, primarily by way of information available on the Internet, where cities and counties have studied consolidation or merger of services. Information available on the Internet was substantial for several of the city/county consolidation reviews, particularly for the cities of Las Vegas and San Antonio. We also conducted phone interviews with personnel from several of the affected localities. Several notable cases are briefly discussed below. Appendix A presents an overview of consolidations either actual or proposed around the United States. We note that the list in Appendix A is not exhaustive, but nevertheless comprises a good sample upon which to make our recommendation that further review of consolidation within San Francisco is warranted.

We also note that the consolidations discussed around the United States involved a variety of proposed types. For instance, many proposed mergers are one or more cities within a county that are proposing to merge with county services, while others involve only a proposal that police and sheriff departments

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

jointly occupy the same building. Since San Francisco is already a merged city/county, some of the advantages such as economies of scale may not apply to the same extent since some of their advantages have already been obtained. However, at this point we cannot state whether or not there may be any further advantage to be gained in any one area. Therefore, we have included all areas identified for improvement in our discussion.

Further, we primarily review possible advantages to consolidation. One would need to study applicable laws, and a variety of consolidation models would need to be reviewed. For instance, State of California law requires an elected sheriff for each county. A full study of these and other aspects should be done with the participation of a full complement of all stakeholders, which is not possible within the jurisdiction and one-year term of the Civil Grand Jury.

The City of Las Vegas and Clark County, Nevada

In 1973, the five police agencies in Clark County (Clark County Sheriff's Department, City of Las Vegas Police Department, City of North Las Vegas Police Department, City of Henderson Police Department and Boulder City Police Department) were consolidated into the Las Vegas Metropolitan Police Department.

Consolidation of the agencies had been studied several years prior to 1973, centering on records, criminalistics, detention and communications as areas that might prove feasible for consolidation. The Committee performing the study concluded that full consolidation of the five agencies was the most practical solution, rather than a more limited consolidation of one or more of the selected functional areas. The consolidation was finalized by Nevada Senate Bill 340 (July 1, 1973), which provided that the new Las Vegas Metropolitan Police Department be headed by the elected county Sheriff (it was believed that an elected head would have more freedom from political pressure and would be more answerable directly to the public). Senate Bill 340 also provided for a police commission and designated funding sources. The new department retained responsibility for operation of the county jails.

Consolidation costs included:

- Short-term commitments that could not be canceled (e.g., fleet purchases that had already been bid, resulting in the need to repaint new cars);
- New uniforms;
- Standardization of weapons;
- Salary adjustments; and
- Benefits package modifications.

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The consolidation did not save money initially. However, as noted by a member of the staff in a phone interview, the consolidation has saved a substantial amount of money over time and has also improved overall efficiency, eliminated duplication of fixed resources, increased purchasing power, and increased teamwork. Several years ago, claims were made that the merger had not been cost-effective for the City of Las Vegas, but the Metropolitan Police Department assembled statistics showing that in fact the merger still was cost-effective, and an initiative to disband the merger was abandoned.

The City of San Antonio and Bexar County, Texas

In 1995, a City-County Government Commission was created jointly by San Antonio and Bexar County to recommend areas for functional consolidation and to study the "pros and cons" of city-county consolidation.

As part of their review, the Commission performed case studies of nine other city-county consolidations (included as Appendix A to the San Antonio consolidation study), including: Jacksonville, Florida; Indianapolis, Indiana; and Nashville, Tennessee. The Commission also reviewed a substantial body of political science and public administration literature, a bibliography of which also is included in its report.

The Commission studied in detail five functions that were similar between the city and county governments (parks, public housing, public works, purchasing, and information systems). The Commission used four criteria in their evaluation of the functional areas (efficiency, effectiveness, equity, and accountability). Essentially, the Commission viewed consolidation as the unification of a majority of functions and/or offices to achieve a more effective means for delivery of services. While the Commission did not choose to review police and/or sheriff services as one of their five functional areas, it is clear that these and many other public services would need to be reviewed once the Bexar County voters give their approval to move forward with the proposed consolidation.

The following Commission conclusions (as annotated) would apply not only to the functional areas and departments reviewed, but also to the other areas that would be reviewed as part of a full consolidation:

- Consolidation can improve efficiency by eliminating overlap and duplication of services. Additional gains can come from economies of scale. Evidence to support this benefit was substantial. For instance, Jacksonville reduced its combined city and county property tax by over 30 percent and is only one of many success stories. (Issues that could be addressed in San Francisco include duplicate administrative costs that could be more efficiently used in a shared environment, thus

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possibly absorbing overtime costs or allowing more police officers to be on patrol without increasing departmental budgets.)

- Consolidation can improve the effectiveness by eliminating problems of coordination and compatibility in service delivery systems. The San Antonio study noted that it was possible to be effective without necessarily being efficient. The study also noted that the areas that have gone through consolidation often upgrade service standards as part of the implementation process and increase effectiveness as efficiency is achieved. (Only a more in-depth review could estimate impact from this to San Francisco, but some areas that might benefit from review would include which of the Police or Sheriff departments would be more appropriate to accompany prisoners to San Francisco General Hospital for treatment.)
- Consolidation can rectify inequities between city and county taxpayers. (This element would appear not to be a factor for any San Francisco review since San Francisco is already a city/county.)
- Consolidation can provide more accountability and responsiveness in local government. (At present, we have no evidence that this element would be a reason to initiate any San Francisco review.)

The Commission report concluded that there were potential substantial benefits to be gained by consolidation, and recommended that the issue be permitted to proceed to a vote.

Northern York County, Pennsylvania

In 1997, John T. Krimmel, Ph.D. (Department of Law and Justice, The College of New Jersey) published an article titled, "The Northern York County Police Consolidation Experience: An Analysis of the Consolidation of Police Services in Eight Pennsylvania Rural Communities," in *Policing: An International Journal of Police Strategies and Management* (Vol. 20, No. 3, 1997). His study reviewed the experiences of the Northern York Regional Police Department in York County and similar police departments in the contiguous Lancaster County, both rural counties in Pennsylvania. The article also contains a literature review summarizing a number of police department consolidations around the United States.

Dr. Krimmel's study identifies many advantages of consolidation, including:

- more effective delivery of police services;
- eliminating duplication of services;

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

- provision of services previously unavailable, such as centralized record keeping, crime laboratories, and other specialized services;
- better trained personnel;
- lower personnel turnover rate due to increased opportunities within the larger department;
- costs for equipment are reduced (purchasing in bulk);
- hiring can become more efficient;
- lower insurance costs;
- opportunity for innovation.

Discussion with Dr. Krimmel regarding his report indicated that one aspect of combining a sheriff and police force is the increased opportunities to provide training to future police officers in the county jails. This familiarizes future police officers with the type of work and populations they will be dealing with in the field. This also reduces the number of Police Academy graduates who leave the force once they encounter the realities of the "street."

Dr. Krimmel's article notes that, following consolidation, the Northern York County police force provided police coverage to the same geographic area for 28 percent less total aggregate cost, with improvement in many aspects of department operation. A key component to successful consolidation is a careful plan; without such a plan, actual benefits may be less than expected. Dr. Krimmel noted that, should San Francisco ever proceed toward police and sheriff department consolidation, "before" and "after" data should be obtained.

Los Angeles County, California

Over the last several years, the Los Angeles (LA) County Sheriff's Office has absorbed several other agencies, including the LA County Transit Police, the Hawaiian Gardens Police Department, the Bell Gardens Police Department and the LA Community College Police Department. Discussion with personnel from the LA County Sheriff's Office indicates that in the case of each agency absorbed, the absorbed agency's budget has decreased by approximately 30 percent, even in those cases where the personnel from the absorbed agency have received a pay increase. Some other aspects of savings include background checks and physicals.

Similar to the comments made by Dr. Krimmel, the LA County Sheriff's Office has seen a direct benefit to its recruits by having combined jail and policing duties. The Sheriff's Office is able to give officers experience in the County jail prior to putting them on regular patrol, which has resulted in a much shorter on-the-job learning curve by new officers and reduced total costs by ensuring that personnel who undergo training at the Academy do not subsequently leave the force when presented with the actualities of the job. Furthermore, they generally become better officers, and overall the officers are more effective.

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

The City and County of Denver, Colorado

Most counties in the United States (or parishes in Louisiana) contain one or more cities. The condition of one city and one county sharing exactly the same boundary is rather unique. San Francisco is one of these city/counties, and Denver and St. Louis are others. During our research, Honolulu had been suggested as a similar situation, but research shows that the County of Honolulu actually encompasses the City of Honolulu and many smaller cities. In 1970, the City of Indianapolis, Indiana, expanded its boundaries to include all of Marion County; however, there remain several other small townships within county borders that are not part of Indianapolis.

Denver has not explored a merging of police and sheriff forces. However, the City structure uses a model that reduces duplication of administrative services, in that the departments of police, fire, sheriff and other safety organizations report to a Manager of Safety, who then reports to the Mayor.

Interviews with San Francisco Personnel

Through interviews with personnel from the Police and Sheriff's departments, the Civil Grand Jury has identified several benefits that would arise from a consolidation of the two departments.

Interviewees indicated that the Police Department had been advertising available jobs to, and recruiting officers from, the Sheriff's Department personnel. Among the advantages to the Police Department is that personnel from the Sheriff's Department are already essentially trained and also already have familiarity with San Francisco. Since Police Department pay is greater than that of the Sheriff's Department, the Sheriff's Department in effect fills Police Department ranks at the expense of their own hiring and training programs.

Interviewees also noted that certain areas of jurisdiction could be better defined. For instance, in the case where police officers arrest someone who then turns out to have medical problems (such as an abscess) that must be taken care of prior to being put in jail, the arrested person must first be taken to San Francisco General Hospital for treatment. The process of waiting for and getting treatment for the arrested person can often occupy several hours, which means that whoever has custody cannot do anything else since that officer must stay until the person is released back to their custody. There is no clear policy as to whether this service should be provided by the Sheriff's or Police Department.

Also, interviewees noted that the police trainee dropout rate after completion of training and being placed on the streets is a significant factor in the Police

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

Department's inability to fill all available positions, which exacerbates the need to work overtime in the Department. As noted above, inclusion of training in county jails as part of the police officer training process tends to reduce attrition.

CONCLUSIONS

Based on our review, the Civil Grand Jury believes that there is enough evidence to suggest that it would be worthwhile to investigate more thoroughly a consolidation of the Police and Sheriff's departments. We do not have evidence that either department is functioning inefficiently; we only suggest that further efficiency might be gained by such a consolidation. Possible benefits include:

- lower dropout rate
- greater economies of scale
- possible reduction in duplicative administrative functions that will allow more emphasis on operational duties, which could be achieved without reduction in staff (other locales have moderate to substantial benefit here)
- coordination of departmental policies, rather than independent policies that run counter to each other
- lower personnel turnover
- increased training and orientation opportunities
- more efficient hiring

We note that our research has not identified any evidence of a merger that did not ultimately realize financial savings or was subsequently undone. The evidence reviewed by the Civil Grand Jury strongly indicates that the benefits of a merger outweigh any disadvantages. Consolidation demonstrably reduces total city and county taxes in at least some metropolitan areas and appears to have substantially slowed the rate of tax increase over an extended period in others. In every place, the ultimate impact depends on the service levels chosen and the specific provisions of the consolidation.

Options for consolidation include complete merger or several varieties of partial merger, including consolidation of functional areas such as communication services, or a single administration office and administrative officer or chief (e.g., Denver, which has a safety chief to whom the fire, sheriff and police chiefs report).

RECOMMENDATION

We recommend that the Mayor and Board of Supervisors convene hearings and form a taskforce or commission to perform an in-depth study of the potential

PROPOSED STUDY: SHERIFF/POLICE DEPARTMENT MERGER

benefits to San Francisco by a consolidation of the Sheriff's and Police departments.

Required Response

Mayor
Board of Supervisors
Sheriff's Department
Police Department

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APPENDIX A

Cities/Counties that merged municipal services (partial or full)

Anaconda - Deer Lodge Co., MT
Athens - Clarke Co., GA
Augusta - Richmond Co., GA
Baton Rouge - East Baton Rouge, LA
Columbus - Muscogee Co., GA
Indianapolis - Marion Co., IN
Jacksonville - Duval Co., FL
Lexington - Fayette Co., KY
Nashville - Davidson Co., TN
Compton - Los Angeles Co., CA
Las Vegas - Clark Co., NV
Hawkinsville - Pulaski Co., GA
Bessemer City - Gaston Co., NC
Charlotte - Mecklenburg Co., NC
Draper, Taylorsville, etc. - Salt Lake Co., UT
Sunnyvale - Dallas Co., TX
Several cities - Westchester Co., NY
Several cities - Suffolk Co., NY
Several cities - Nassau Co., NY

Cities/Counties considering merging services (partial or full)

San Antonio - Bexar Co., TX
Corpus Christi - Nueces Co., TX
Tallahassee - Leon Co., FL
Los Angeles - Los Angeles Co., CA

Atlanta - Fulton Co., GA

St. Petersburg - Pinellas Co., FL
Grand Island - Hall Co., NE
Gastonia - Gaston Co., NC
Salt Lake City - Salt Lake Co., UT
New Orleans - New Orleans Parish, LA
Grover Beach - San Luis Obispo Co., CA
Buffalo - Erie Co., NY
Louisville - Jefferson Co., KY
Burlington - Boone Co., KY
Durham - Durham Co., NC
Several cities - Ulster Co., NY

Internet Information Source

San Antonio study
San Antonio study
San Antonio study
San Antonio study
San Antonio study
San Antonio study
San Antonio study
San Antonio study
Compton Police website
Salt Lake Tribune; Cincinatti Enquirer
GA State Bill HB 197
Gaston Gazette
Gaston Gazette; Cincinatti Enquirer
Salt Lake Tribune
Salt Lake Tribune
Times Herald Record
Times Herald Record
Times Herald Record

Internet Information Source

San Antonio Study
San Antonio study
San Antonio study
County POA newsletter, CBS Channel
2000, Pierce College Roundup, etc.
Research Atlanta, Inc.; Central Atlanta
Action Plan
St. Petersburg Times
The Independent
Gaston Gazette
Salt Lake Tribune
Salt Lake Tribune
The San Luis Obispo Tribune
Buffalo Renaissance Foundation
Cincinatti Enquirer
Cincinatti Enquirer
The Durham Chronicle
Times Herald Record

SPECIAL EDUCATION PROGRAM

Report of the
1999-2000 San Francisco Civil Grand Jury

SPECIAL EDUCATION PROGRAM

SUMMARY

In January 1999, the Special Education Program of the San Francisco Unified School District (SFUSD) was subjected to criticism in a complaint (by Mr. Spadia, an SFUSD teacher) filed with the California Department of Education (CDE). After study, the CDE issued a report, known as the Spadia Report, in which the CDE requested that the SFUSD respond to the complaint with a Corrective Action Plan. In response, the Division of Special Education submitted a Voluntary Corrective Action Plan (VCAP) on October 5, 1999. Under the VCAP, a data system was to be implemented to track timelines for referrals, assessments and the initiation of services and supports specified in the Individual Education Plan (IEP) of Special Education Students.

The Civil Grand Jury (CGJ) found that while the data system has been initiated, the implementation of the other recommended improvements has been delayed because of the shortage of credentialed teachers, lack of training and lack of funding. There has also been limited information made available to the general public regarding the delay in meeting the timelines for the other corrective actions. The CGJ makes several recommendations, including most importantly that SFUSD comply with the timeline requirements.

BACKGROUND

After reviewing records and faculty of several schools, the CDE concluded in the Spadia Report that SFUSD was out of compliance as to four out of five of Mr. Spadia's allegations, as follows:

- Failure to provide qualified staff to instruct children with disabilities;
- Failure to follow assessment procedures;
- Failure to implement the individualized education program;
- Failure to protect the confidentiality of personally identifiable information and to maintain a copy of the education program at the school site.

The CDE determined that the SFUSD was in compliance as to the fifth allegation. The CDE gave the SFUSD until March 5, 1999, to develop and provide a plan of corrective action to resolve the non-compliance in the four areas through identification, assessment and provision of services by qualified staff which would ensure that the SFUSD would develop and maintain a governance structure to support compliance with the pertinent federal and state statutes and regulations.

In early August 1999, the CGJ attempted to obtain a copy of the SFUSD Corrective Action Plan and was advised by a member of the special education staff that a Corrective Action Plan was being negotiated with the CDE. The final negotiated VCAP was issued by the SFUSD on October 5, 1999 (Attachment 1).

SPECIAL EDUCATION PROGRAM

METHODOLOGY

The CGJ met with representatives of the Division of Special Education of the SFUSD, the SFUSD Human Resources Department, the Department of Psychological Services, and members of the teachers' union (the United Educators of San Francisco (UESF)). The CGJ also met with principals and special education teachers from elementary, middle and high schools. While most of the meetings were with advance notice to the Division of Special Education of the SFUSD, we were able also to interview some special education teachers without advance notice.

RESULTS OF INVESTIGATION

Introduction

The CGJ investigated each of the allegations with which the CDE had determined the SFUSD was out of compliance.

1. Qualification of staff to instruct children with disabilities

The CGJ was advised that for many years the SFUSD has been out of compliance with the Special Education regulations, both State and Federal. The district was out of compliance with four of the five allegations in connection to the Spadia Report. Prior to 1999, the Special Education Division had been segregated and isolated, a "mini-district within the district." A Study Management Team, appointed by the prior Superintendent, concluded that the budget, functions and responsibilities of Special Education should be shifted to general education as opposed to its prior isolated and segregated past. Consequently, the responsibility of Special Education in each school is now delegated to the principal.

In accordance with State and Federal law, removal of a child with a disability from the regular education environment should be limited; a student should be in the "least restrictive environment." Resource Specialists are teachers with special credentials who are assigned to bring support services to the disabled child. Currently, these Resource Specialists report to General Education as opposed to Special Education.

Qualifications for a Special Education teacher are that they have a Bachelor's degree, have their credentials and have passed the CBEST (a teacher readiness test). Because it is so difficult to find credentialed teachers in Special Education, the CDE has relaxed the standard and has allowed, statewide, hiring of teachers for special education who have their Bachelor's degree, have passed the CBEST and have at least two years experience in Special Education and who are

SPECIAL EDUCATION PROGRAM

enrolled and are taking six units toward their credential. These teachers are given an emergency credential and are sometimes also classified as long-term substitutes. SFUSD has started an intern program at San Francisco, Sacramento and Hayward State College and at the University of San Francisco. These students have their Bachelor's degree and have passed the CBEST and are working for their credential. The students are given emergency credentials to teach in the Special Education classes.

The CGJ was advised that the hiring of Special Education teachers, as well as all teachers and paraprofessionals, is difficult in San Francisco, not only because of the low salary which is paid but also because other counties of the Bay Area offer various economic incentives for longevity in Special Education. Lack of bi-lingual teachers presents a special problem. A number of factors contribute to the low salary which SFUSD teachers receive. Some of the contributory causes are:

- San Francisco is both a City and a County. There is no additional county budget for teachers, texts, educational materials or classroom supplies.
- The Child Development Program encroaches on the SFUSD General Fund in the amount of \$2 to \$4 Million even though "early identification" saves money in the long run.
- The Special Education budget is \$18 to \$23 Million. State funding for Special Education teachers is based on estimates and on statewide averages of special education identification. Consequently, San Francisco is penalized since it has a particularly high number of special education students.
- SFUSD hired 100 additional teachers when the school day was extended for a 7th period. However, the SFUSD was not reimbursed by the state for the costs of the extra period.
- SFUSD contracts with consultants. The excessive cost of the consultants encroaches on the General Fund in the amount of \$35 Million.
- Proposition 13 has resulted in the underfunding of education and other human services.
- The number of children enrolling in San Francisco schools is static compared to the increasing enrollment in other Bay Area counties.
- The unions representing the faculty and classified workers in the SFUSD seek to improve the salary and benefits of their constituents through the collective bargaining process in a district that receives moderate increases in funding and has a reputation for excessive administrative costs and fiscal mismanagement. Consequently, faculty salaries have improved little in recent years.
- The salary schedules of the SFUSD, especially step increases, are not competitive with those of other Bay Area districts.

The CGJ was advised that there is a problem obtaining substitute teachers with special education credentials, as well as a problem with general education

SPECIAL EDUCATION PROGRAM

teachers who have not been trained to have Resource Specialists come into their classrooms to work with the Special Education students.

Recruiting for teachers for the fall of 1999 was started in November 1998 by attending conferences in the Bay Area where one might find special education teachers. In January of each year the Research Department projects the total enrollment for the SFUSD for the coming year. They then project this information in order to obtain an approximation of the total enrollment at the various school sites. The budget officers review this information in order to determine the total number of teachers needed in the various areas such as math or special education. According to the SFUSD Department of Human Resources, this information should be forwarded to the Personnel Office by February or March. The Department of Human Resources then posts the jobs at its office, Bay Area schools and the SFUSD. The CGJ was advised that there is usually a delay by the principals in advising the Department of Human Resources as to the number of teacher vacancies for the next school year. The SFUSD administration has committed that they will resolve this problem.

The Special Education teachers lose classroom time since they must fill out a lengthy Independent Education Plan (IEP) for each Special Education student. The IEP is between 15 and 17 pages in length. While part of the plan can be done by the teachers at home, much of the work must be done during school hours since the student's file cannot be taken from the school. Many of the experienced Special Education teachers must also lose time from their classroom in order to obtain training on the constantly changing Federal and State regulations for Special Education. This also results from loss of classroom time. There are itinerant special education teachers who teach at several schools where there aren't sufficient students to qualify for a full-time special education teacher. Since this leaves these schools without a special education teacher for periods of times, problems that may arise are handled by off-site program consultants.

There are approximately 400 substitute teachers needed each day to substitute for the 4600 teachers hired by the SFUSD. Lost time for teachers takes into consideration time for training, conferences and illness. No consideration is given for vacation time. There are approximately 1000 substitute teachers available in the pool. Many of these teachers have no experience in special education. When a special education student is absent from class, that teacher may well be replaced by a substitute teacher who has no experience with special education students. The CGJ was advised that a request has recently been made for 20 teachers to obtain special education training with the understanding that they would be willing to substitute for special education teachers.

In addition to the fact the SFUSD has a shortage of teachers because of the low salary, there is a problem as to the qualification of the teachers. Through the teachers' union, UESF, there is a Peer Assistance Review (PAR) which should

SPECIAL EDUCATION PROGRAM

be in place next fall which will review performance and qualification. Newly hired teachers will have to be reviewed by PAR after a trial period of teaching.

2. Failure to follow assessment procedures

The SFUSD is responsible for providing qualified staff to conduct individual evaluations of students. Regular staff may refer students for evaluation as to the need for special education to a Student Success Team (SST). A request by a parent for special education for a child bypasses the SST process and starts the timeline for special education immediately. The CDE had expressed concern that parents were not being advised as to their right to request special education for their child. However, SFUSD now has a contract with a consultant to act as an ombudsperson. Letters to parents advising them as to availability of special education are being sent in English at the present and will soon be sent in Chinese as well as Spanish. Plans are in the making for a course for both parents and paraprofessionals so that the need for special education can be established in the child's early years. The purpose of the course is to change the present system of waiting until a child fails.

A psychological examination must be done on each child who is a candidate for special education. The CDE was concerned that many IEPs were being delayed for lack of a psychological examination. At the present time the positions for psychologists are filled; 34 to 36 full-time slots are filled with 40.5 psychologists, some of whom are part-time (this includes 3 Spanish-speaking, 4 Chinese, 1 Russian, 1 Vietnamese and 2 Hindi). The Oakland Unified School District has a higher ratio of psychologists to teachers than does the SFUSD. A request has been made to increase the number of psychologists to 38. At the time of the Spadia report, there were 2000 backlogs for psychological examinations. Presently, there are 500 students waiting for psychological examinations. The backlog is the result of either lack of parental consent or lack of psychologists. Presently, there is no way to obtain data as to the cause of the delay. There is an initial examination followed by a triennial examination. Many parents are reluctant to have their children put into special education classes or to have a psychological evaluation.

There is a problem in hiring qualified psychologists because of the low salary as compared to other Bay Area counties. There is also a problem of maintaining a qualified staff because political pressure was previously applied in the hiring of psychologists. However, the CGJ received no complaints from those interviewed as to delay in services by the Program for Psychological Services.

3. Failure to implement the Independent Education Plan

The SFUSD has established six new associate superintendent positions. One is for 75 elementary schools, two for 17 high schools, one for pre-kindergarten and one for student support. In addition, Resource Specialists assigned to the

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various schools report to General Education, not Special Education. The responsibility for Special Education in each school is the responsibility of the principal. Previously, Special Education acted as a separate district as opposed to being part of the general education system. Except for one school, all of those interviewed reported an improvement in the delivery of special education to the students. Those principals were in agreement that contact with the Special Education Department was much more available and helpful.

The Special Education Department has established a computerized data-tracking system for monitoring the progression of the delivery of services to those students for whom a request has been made for special education. Monthly reports are sent to the principals which reflect whether they are in compliance with the timelines. Again, most of those interviewed were of the opinion that this was a great help in complying with the timelines. While most of the schools were out of complete compliance because of staff shortage, the staff were of the opinion that there was an improvement in their ability to monitor compliance.

In accordance with the VCAP, the assistant superintendent, associate superintendents and principals are to be routinely informed through the data tracking system of the status of compliance and are given the responsibility of monitoring compliance. The data and reports generated from this data were to be reported quarterly to the SFUSD Superintendent and Governing Board with appropriate action to be taken as specified in the VCAP. Such reports, if they do exist, have not been made available to the teachers, the principals and the general public.

4. Failure to protect confidentiality

Letters have been sent by the Psychology Department of the SFUSD to the principals as well as to special education teachers concerning confidentiality of the files. The special education files are kept in locked cabinets in the classrooms. No member of the staff is allowed to take the files away from the school. Instructions have been sent out to all the principals, noting that the file for the special education student must be kept at the school with that child. At the present time, however, no procedure has been initiated to allow the Department of Psychological Services to monitor the files in order to be sure that they are not being removed from the locked cabinets by unauthorized persons or that they are kept at the school at all times.

5. Lack of funding for classroom teaching tools

On visiting many of the Special Ed classes, a significant number of teaching tools were visible all around the rooms. The CGJ was advised that while some of the tools may be provided by funds from parent functions, many of the teachers use their own money to provide the classrooms with the necessary teaching tools. SFUSD does not provide teachers with funds to purchase the necessary

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teaching tools. While this is not an issue discussed in the Spadia Report, it nevertheless is an issue of concern.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion (1)

The SFUSD has a disproportionately higher percentage of students identified as qualifying for Special Education than the estimates for which the State of California provides funding.

Recommendation (1)

- A. The SFUSD should carry out research identifying other large urban districts which are similarly underfunded for Special Education staffing and resources.
- B. The SFUSD should carry out research identifying other large urban districts similarly underfunded for Special Education to develop common strategies in order to lobby the California Department of Education and the state legislature for changes of the Special Education Formula so that funding is done based on the actual enrollment rather than rigid estimated levels.

Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (2)

The SFUSD General Fund pays for some pre-school programs which can lead to early identification of a child's Special Education needs.

Recommendation (2)

Since early intervention can provide better education for a child with special needs and potentially save resources over time by avoiding multiple remedial interventions, the SFUSD should consider lobbying both the California Department of Education and the state legislature to directly fund pre-school programs which can lead to early identification of a child's special education needs. As an example, a pilot project could be funded.

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Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (3)

Special Education teachers must spend a significant time outside the required classroom instruction and lesson plan preparation in order to complete the lengthy IEPs. The SFUSD pays numerous consultants an excessive amount of money.

Recommendation (3)

The SFUSD should reduce the number of consultants. These funds should then be re-allocated to pay Special Education teachers for the additional work necessary.

Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (4)

The failure of the SFUSD to provide regionally competitive salaries for Special Education teachers and psychologists is contributing to the non-compliance with State and Federal regulations.

Recommendation (4)

There must be an increase in the salary of both teachers and psychologists. The SFUSD must allocate sufficient funding for the salaries of both teachers and psychologists. Special action by the SFUSD is needed in order to budget for Special Education teachers based on the number of Special Education students in San Francisco schools as opposed to estimates based on a statewide average.

Required Response

The Board of Education
Superintendent of SFUSD

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Conclusion (5)

The failure of the SFUSD to provide substitute teachers who have adequate special education training contributes to the non-compliance with state and federal regulations.

Recommendation (5)

Priority must be given to the hiring of substitute teachers with full Special Education credentials rather than emergency credentials. A bonus or some other means of incentive should be instituted for substitute teachers who enroll in courses toward their Special Education credential.

Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (6)

The failure of the SFUSD to provide bonuses or differential pay to the Special Education teachers or extra pay for the extra work involved in completing each IEP contributes to the difficulties in hiring qualified Special Education teachers.

Recommendation (6)

There should be a bonus or some other means of incentive for teachers to stay with the SFUSD.

Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (7)

Additional work is required by the school principals for the monitoring and updating of the IEP evaluations. The principals need administrative support staff allocated to them for the additional time needed.

Recommendation (7)

The SFUSD should fund additional administrative support staff for the principals.

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Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (8)

The VCAP data system fails to keep track of the reason for the delay of psychological assessments as to whether the cause is the lack of required parental signature or delay in scheduling the psychological examination.

Recommendation (8)

The Corrective Action data system must include the tracking of delays in psychological testing as well as other timelines. The data gathered must reflect whether the delay is due to lack of parental consent or delay in scheduling the psychological examination.

Required Response

Superintendent of SFUSD

Conclusion (9)

Teachers are paying for some classroom teaching materials and supplies out of their own pocket.

Recommendation (9)

The highest priority must be given to budgeting for essential teaching materials and supplies. It is inexcusable that teachers must pay for these necessities out of their own pocket.

Required Response

The Board of Education
Superintendent of SFUSD

Conclusion (10)

Information and reports generated from the data-tracking system are not being made available to principals, teachers, families or to the general public.

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Recommendation (10)

The VCAP data system must be programmed so that there is a quarterly compilation of all the data, with names redacted. This information should be made available to the public.

Required Response

Superintendent of SFUSD

Conclusion (11)

There is an inadequate system to monitor of the files of Special Education students to ensure privacy.

Recommendation (11)

The Corrective Action data system must include adequate monitoring of the schools in order to ensure privacy of the files of Special Education students. The public should be made aware of the process by which privacy is ensured.

Required Response

Superintendent of SFUSD

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ATTACHMENT 1

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT
VOLUNTARY CORRECTIVE ACTION PLAN**

I. ACCOUNTABILITY

A. Compliance Findings: Referral and assessment/IEP timelines not met; incomplete IEPs, and delays in initiating/providing services.

B. Corrective Action: Implement a data system to track timelines for referrals, assessments, and the initiation of services and supports specified in the IEPs, and to assess the completeness of IEP contents/processes. Through the data tracking system, the SPED Assistant Superintendent, IS&O Associate Superintendents, and principals will be routinely informed of the status of compliance and have the responsibility for monitoring compliance. The data, and the reports generated from the data, will be reported quarterly to the SFUSD Superintendent and Governing Board, and appropriate actions will be taken as specified in Section VII-B-5 of this plan.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1.a. Assistant Supt., Special Education Services	1.a. 7/31/99 and monthly trainings through the 1999/2000 school year.	1.a. To assure the implementation of all IEPs by all school site teachers and ancillary staff the district will train the IS&O Associate Superintendents to give the Associate Superintendents the capacity to train their principals; create tools to assist site administrators in monitoring for compliance; provide technical assistance to the sites as needed; and address chronic non-compliance. (See Section VII, Item 5).
1.b. Assoc.Supts., Instructional Support and Operations (IS&O); Child Development, Elementary, Middle and High School	1.b. Monthly through '99/00	1.b. The principals will regularly attend trainings and communicate such information to their staff regarding the implementation of IEPs.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1.c. SELPA Director	1.c. Quarterly to coincide with reports	1.c. Audits will be completed at the school site level to assure that trainings have been completed and staff is aware of their obligations under the plan.
2. SELPA Director and Assoc. Supts. IS&O, as in 1-b above.	2. 9/30/99 and monthly trainings through the 1999/2000 school year on SPED issues	2. Principals will be trained on and responsible for monitoring the initiation and implementation of all IEPs for their students.
3. Assistant Supts. of SPED and Human Resources (HR)	3. 7/31/99. On-going status will be monitored and reported in quarterly reports.	3. SPED and Human Resources will work together to assure that all positions are filled at the beginning of the school year and that RSP caseloads are allocated for a capacity for growth that meets the caseloads allowed by the Education Code. See Section IV.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
4. Assistant Supt., SPED and SELPA Director	4. 6/30/99	4. Implement a data system to track the IEP process from referral to placement and services, reviews, revisions, reassessments, demittals, etc. Data to be collected will include: (a) Referral and Assessment—date of referral, assessment plan, testing completed, IEP meeting, parent consent, initiation of services; (b) IEP—date of review, re-assessment, schedule of reporting to parent, contents by category (e.g., goals, objectives, placement, transition, differential standards, school-wide assessments, etc.) (c) complaint/hearing requests related to individual students. System will include method of identifying by school, assessments due within 45 days and those overdue by 10 days or more. This system is driven by the new IEP format which has the ability to draw from a variety of district data sources (e.g., district-wide achievement test scores, language status, etc.) to automatically provide information to the IEP team about the precise status of the student. The new IEP format was implemented in the winter of 1999 and trainings on its use were completed and will be ongoing. Modifications are being made as needed; e.g. projected date of implementation clarified to indicate it may apply to services/modifications etc., not just entire IEP.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
5. Assoc. Supts. of IS&O (Child Dev., Elem., Mid. and HS) and Assist. Supt. of SPED	5. Begin 9/30/99	5. Each month principals submit reports on compliance timelines to IS&O using data from the above mentioned IEP data source. If non-compliance, IS&O will: (a) direct necessary actions and specify timelines; (b) obtain assistance and resources as needed to fulfill corrective actions; (c) follow up on compliance.
6. Same as above		6. If compliance not attained as directed, IS&O will: (a) refer to the Program Integration/Compliance Office; (b) inform families immediately of non-compliant status and plan/timelines for rectifying.
7. Same as above	7. Begin after first report of 9/30/99	7 Submit quarterly reports from principals once compliance has been achieved. Non-complying sites will continue submitting monthly reports.
8. Director, Curriculum Improvement and Professional Development (CIPD), with assistance from Assoc. Supts. of IS&O, Assist. Supt. of SPED, and SELPA Director	8. In place by 9/1/99	8. Implement professional development for principals and IS&O in the above processes.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
9. Assist. Supt., SFUSD	9. same dates as above	9. All the above procedures apply to students placed by SFUSD into non-public placements or receiving IEP services from other agencies. Special Education Services (which will continue to exist) will be responsible for NPS students. Principals and IS&O will remain responsible for all children at their school sites, regardless of the source of the service.
10. Assist. Supt. of SPED	10. Per quarterly reports to CDE	10. Quarterly status reports will be submitted to the IS&O Assoc. Superintendents, the Superintendent and the Governing Board. Appropriate action will be taken by the Superintendent in accordance with the monitoring plan described in Section VII - 5 of this plan.
11. Supt.	11. As indicated through compliance reports	11. The Superintendent will ensure, pursuant to the monitoring plan described in Section VII-5, that immediate action will be taken to correct ongoing non-compliance noted in any of the quarterly reports (e.g., if assessments are not being completed due to staffing problems, the authorization for correcting such staffing problems will be given; etc.).
12. Assoc. Supts., IS&O	12. Sept. 30, 1999 and quarterly thereafter	12. Site principals must include a certificate of implementation of each IEP and the services therein. These reports will include, at a minimum: (1) service logs of DIS personnel, and a description of any DIS services that were not provided in accordance with the IEP, the reasons therefore, and any steps taken to correct the non-delivery and the amount of time it took to correct the problem; (2) any other IEP components that were not implemented as specified in the IEP, the reasons, and the steps taken and the amount of time that it took to correct the implementation problem.

C. Evidence of Compliance: To ensure compliance, SFUSD recognizes it must have an *ongoing system* of data tracking. The dates specified are when the system will be put into place. SFUSD has already developed the IEP format and the method of collecting the data. Professional development is being planned, and agendas, dates and lists of attendees will be available for inspection. Monthly and quarterly reports by principals, as well as compliance actions specified in 5 and 6, above, will also be available.

SFUSD quarterly reports to CDE will include the information included in Tasks 4(a) and (b) above, including the status of compliance as indicated by Tasks 5 and 6 above, and any actions taken by the Superintendent pursuant to Task 11.

In addition, any actions necessitated by the monitoring activities described in Section VII-B-5 of this plan will be reported to CDE on a quarterly basis.

II. IMPLEMENTATION AND CONSULTATION

A. Compliance Findings: SSTs may delay proper identification of disabled pupils, yet based upon statistics, CDE has also identified through the CCR process an over-identification of AA students. SFUSD's own needs assessment indicates that SSTs are currently ineffective in addressing the needs of students, often poorly staffed, and often without training and knowledge of resources.

B. Corrective Action: Implement redesigned Student Success Team process to include data collection.¹

PERSONS RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1. Assoc. Supts., IS&O	1. 9/1/99	1. Develop systematic SST process for all sites to include: (a) strategies, modifications supports, resources (including ELL and students with diverse learning styles) including timelines for monitoring student outcomes (b) screening devices (c) method of determining who should be referred for SPED assessments and area(s) of suspected disability (d) distinguishing poor instruction, social/economic factors from disability.
2. Director, CIPD and Assoc. Supts., IS&O	2. 9/30/99	2. Implement professional development for all sites in the above processes. ² (a) Develop training materials based upon the processes in 1, above, and data tracking in 3, below. (b) Conduct training for all sites.
3. Assist. Supt., PIC and Assoc. Supts., IS&O	3. 9/1/00	3. Connect SST data system to SPED tracking system to determine number of SST referrals, ethnicity, resolution, number of referrals to SPED. This system will include: (a) method of tracking student outcomes/progress (b) status of modifications, supports (c) number of SPED referrals resulting in SPED eligibility vs. non-eligibility for SPED services and statistics regarding under/over referral for specific populations (AA, L, and ELL, etc.).

¹ This plan does not rely solely upon the SST process as its primary referral process for Special Education. However, because the California Education Code requires that referrals be coordinated with the regular education school site procedures, and because the Spadia investigation and the prior CCR indicated problems with the SST process, this section is included to indicate how SFUSD will revise and monitor its SST process so that it is not part of the problem of under or over referral.

² This training will of course include reference to the non-specific requirements of Education Code section 56321 and Title 5 Calif. Code Reg., section 3021 (a); however the substance of the training will be on the process necessary to implement these requirements

PERSONS RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
4. same as above	4. To begin 9/30/00	4. Each month principals will submit reports to IS&O. Once data indicates compliance quarterly reports will be submitted.
5. same as above	5. To begin 9/30/00	5. Through the above steps of SST implementation and data tracking, identify and address inappropriate referrals and over/under referrals and take actions, if necessary, which may include increased training, redirection of resources, etc., to meet the specific problem identified.
6. a. Assoc. Supts., IS&O and SELPA Director	6. a. To begin 10/30/99	6. a. Site Principals shall report each special education referral, whether it be made by a parent, teacher or SST team, to the SELPA director. The SELPA Director shall enter the referral date into the data tracking system described in Section I of this plan. Timelines will be monitored in accordance with Section I and VII of this plan.
6. b. same as above	6. b. By October 15, 1999	6. b. At the monthly principals' meeting, inservice will be given on the referral process and all timelines generated by the referral.
7. SELPA Director	7. Sept. 30, 1999 and quarterly thereafter.	7. In addition to a preliminary report covering the period from January 1999 through June 30, 1999, SFUSD will submit quarterly reports to CDE on the status of annual IEP reviews and three-year re-assessments.

(c) Evidence of Compliance: Evidence will be available by the stated timelines in the form of: (1) established SST processes, (2) training materials, dates of actual training and agendas and evidence of participation, (3) a data tracking system, (4) monthly/quarterly reports from principals, (5) records of under/over referrals and documentation of actions taken, if necessary.

Evidence of the status of Tasks 1 - 5 will be included in the quarterly reports to CDE. The December 31, 2000 report will include specific data regarding Tasks 4 - 5, and steps taken, if any, to address that data.

III. ASSESSMENTS

A. Compliance Findings: Many assessments and three-year evaluations are overdue; assessments are conducted without evidence of signed parental consent, assessment plans do not indicate who will conduct the assessment, vision and hearing screenings are not always performed as required, students are not always assessed in their primary language or with a qualified interpreter, and psychologists do not always attend IEP meetings. SFUSD's own needs assessment indicates that assessments focus too heavily on eligibility, rely too heavily on a standard battery of assessment instruments, and are often not functionally relevant.

B. Corrective Actions: In addition to the activities specified in Section I of this plan, assessments will be current, meet all relevant requirements and be functionally relevant.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1. Asst. Supts. SPED/HR	1. 6/30/99	1. All overdue assessments will be up to date. (a) Human Resources and SPED continue to engage in ongoing recruitment efforts for qualified psychologists, speech and language specialists, including those with appropriate second language competencies. See Section IV-1-(a). (b) The district may use a variety of methods to meet the assessment demands including contracting with qualified private assessors, including qualified interpreters; hiring additional staff; and/or adjusting caseloads and schedules of existing staff. (c) Consistent with IDEA '97, initial assessments, as appropriate, and re-evaluations will be first reviewed by the IEP team to determine data available and what additional assessment information is necessary, to avoid over-assessment of disabled pupils.
2. Asst. Supt., SPED	2. 6/30/99	2. The SPED budget will be augmented by a minimum of \$2.8 million to be allocated toward the hiring of necessary assessment and teaching staff. Hiring will take place prior to the opening of the 1999/00 school year. If any shortages occur during the subsequent school years, SFUSD will use the methods described in 1 (b) above to remedy such problems and to ensure timely assessment of all students.
3 SELPA Director	3. 2/1/99 and on- going	3. Assessments will follow procedures and timelines and will include: (a) signed assessment plan by parent (b) assessment plan that indicates title of the assessor (c) current vision and hearing screenings (d) assessments in student's primary language or, if necessary, with a qualified interpreter

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
4. Director, CIPD and SELPA Director	4. 2/1/99 and on-going	4. Psychologists will receive ongoing professional development to: (a) perform functional assessments that are curriculum based (b) assist teachers with strategies and modifications in general education (c) attend IEP meetings to interpret results for parents and teachers (d) assist with implementation of behavior intervention plans
5. SELPA Director	5. 6/30/00	5. All ELL students assessed in other than primary language without qualified interpreter will be reassessed. All assessments of African American students identified for SPED will be reviewed for validity via a system of professional peer review.
6. SELPA Director	6. 6/30/99 if needed, and on-going as needed	6. SELUSD will request assistance through CDE's CSPD on the availability and recruitment of qualified school psychologists, speech clinicians, alternative assessment models for children for whom standardized assessments are inappropriate, and other current information on functionally relevant assessments, as necessary to fulfill its staffing and assessment responsibilities.
7. Assist. Supt, SPED and Director, CIPD	7. 10/30/99	7. Staff from SPED and Bilingual shall review the district's special education programs and related aids and services to ensure full accessibility to students who are limited-English proficient. Cross-training between SPED and Bilingual will be conducted on IEP development, English language proficiency assessment and appropriate co-serving of SPED/LEP students.

RESPONSIBLE	IMPLEMENTATIVE	
8. Assoc. Supts., IS&O, SELPA Director; Director, Bilingual Programs and Language Academy	8. 10/1/99	8. Whenever a student is referred to SPED, his/her cumulative folder is checked by the SSO to determine his/her language proficiency status, i.e., NEP, IEP, FEP. (b) If the student is designated at NEP/IEP, a Language Survey is completed as part of the referral packet. (c) Beginning in the 1999/00 school year, every student designated as LEP/NEP will be administered the LALAR to determine his/her level of English proficiency each October and again in April/May. The Language Academy is responsible for the administration of this test. (d) Using information from the Language Survey and the LALAR, the psychologist of record will determine if the child can be assessed in English or assessed with the assistance of an interpreter or by the bilingual psychologist in the child's primary language. When appropriate, the student will be referred to a bilingual psychologist. (e) If the NEP/IEP student is determined to be eligible for special education services by an IEP team, the IEP form has been modified to address special language assistance and the development of goals and objectives relative to second language acquisition, and, if appropriate, specific services to meet these goals and objectives.

(c) Evidence of Compliance: Through the data tracking system established in Section I, above, SFUSD will be able to update monthly its progress toward completing task number 1 of this section. For task number 2, a new assessment plan has already been developed, and the information specified in this task will also be on the data system addressed in Section I, above. Task number 3 will be demonstrated through inservice training plans, schedules, agendas, and attendees. Task number 4 will also be evidenced through the data tracking system in Section I, above.

Quarterly reports to CDE will summarize progress in the above activities.

and a halt relate to the unavailability of staff to deliver required services. A substantial portion of these findings are caused by the unavailability of Language and Speech Specialists, of which there is a nation-wide shortage. SFUSD's own needs assessment indicates that (1) the assignment and accountability of itinerant resource specialists has also resulted in IEPs being unfulfilled, and (2) SFUSD lacks a systematic training model for paraprofessionals.

B. Corrective Action: Qualified staff will be available to fulfill all IEPs.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1. Assist. Supt., Human Resources and SPED	1. To begin now and ongoing (a) First meeting held on 3/18/99 (b) 6/30/99; follow-up mtg. on 10/13/99 (c) 9/1/99	1. District will hire or contract with qualified personnel (psychologists, speech and language specialists, resource specialists, and qualified paraprofessionals) to meet District special education needs. (a) SPED and Human Resources have established a series of meetings to develop an understanding of each department's needs and operations and to identify how staffing needs can be more timely and appropriately met. (b) From these meetings, District will develop systematic method of determining SPED staffing needs so that vacancies are filled in a timely manner. HR and SPED will review recruitment procedures, identify possible employment barriers, and implement strategies to overcome such barriers. (c) From these meetings, District will establish a method of providing qualified substitutes in a timely manner so that students do not miss instruction.
2. Assist. Supt. SPED	2. 9/30/99	2. RSP and Speech/Language Specialists' caseloads will be adjusted to provide full implementation of IEP services, and will not exceed the statutory maximums without a waiver.
3. Director, CIPD, SEIPA Director	3. 9/1/99 and ongoing.	3. Paraprofessionals will receive professional development and will be closely supervised by credentialled staff.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
4. Assist. Supts. SPED and Bilingual Programs and Language Academy and Director, Educational Placement Center	4. 6/30/99	4. A pool of qualified interpreters (professional, parent, community) will be maintained to assist in primary language assessments and interpretation during IEP meetings. Names of available interpreters will be provided by SPED to appropriate staff. (a) Training of these interpreters is currently being conducted and will be ongoing
5. Director, CIPD and SELPA Director	5. Beginning 3/1/99 and ongoing	5. Provide ongoing professional development to administrators, instructional support staff, and teachers, including a minimum of 12 hours for each staffing group, on: (a) Curriculum Based Assessment (b) Core Curriculum (c) Instructional Strategies and Modification (of the Core Curriculum) (d) Behavioral Interventions (e) SST process (f) Interdisciplinary Collaboration
6. SELPA Director	6. 5/31 of each school year	6. To determine staffing and budget needs, the SELPA Director each year reviews the SPED enrollment, referral, assessment and service data, determines the number of students moving between levels (preschool, elementary, middle, high) and based upon these data and other projections, determines staffing and budgetary needs for the coming school year.
7. SELPA Director	7. As needed	7. SFUSD will seek, as needed, information and technical assistance regarding the location and training of qualified staff that CDE has available to it through its CSPD. If SFUSD, after taking all appropriate steps to hire or contract with staff, determines that it is unable to fulfill an IEP (including every hour of service on the IEP) due to staffing shortages, changes, etc., the Superintendent and Governing Board shall seek assistance from CDE and will initiate IEP meetings, as appropriate, for the purpose of determining the need for compensatory services.

C. Evidence of Compliance: Records are, and will be available, on recruitment efforts, the dates positions are open and are filled, the qualifications of staff filling such positions. Meeting agendas, dates and attendees, as well as the results of such meetings (recruitment procedures, methods of determining staffing needs, etc.) will be available to substantiate the work of HR and SPED. A list of qualified interpreters will be available. Schedules, agendas, and attendees will be available to substantiate ongoing training in the areas listed in (5), above.

Quarterly reports to CDF will include the status of the above tasks.

A. Compliance Findings: IEPs often do not include the required contents, including transition services and parent consent, are often not current, and are often unfulfilled due to lack of staffing. SFUSD's own needs assessment indicates that too often students in special education are excluded from the core curriculum.

B. Corrective Action: All students will receive instruction and services as described in the IEP. Instruction will be based on the core curriculum.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
2. SELPA Director	2. 6/30/99 (a) 9/30/99 and ongoing	1. See sections I and IV, above. 2. IEP format revised and field-tested (a) Training provided and will be ongoing
3. Assoc. Supts., IS&O, SELPA Director	3. To begin 9/30/99, completed 6/30/00 (and ongoing)	3. At any IEP review (e.g., annual, parent/staff requested, etc.) each IEP will be reviewed for completeness and all required components and any deficiencies will be corrected: (a) Goals and objectives will be curriculum based (b) Goals and objectives will be evaluated for progress (c) Transition plans will be included, as appropriate (d) Frequency, duration and location of services will be indicated (e) Linguistically appropriate goals and objectives for ELL students will be included (f) Parent consent will be indicated
4. SELPA Director	4. 9/30/99 completed by 6/00, and ongoing	4. All IEPs will be current, reflecting appropriate services and implementation. (a) Implementation of IEP will be assessed at each IEP meeting listed in 3, above. (b) If a substantial loss of IEP services occurred, a revised IEP will provide for compensatory services, as appropriate. (c) Guidelines for determining a "substantial loss of service" shall be developed by SPED/Legal by 9/30/99.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
5. a. SELPA Director	5. a. 7/99 (for guidelines)	5. a. Guidelines will be developed for ensuring parent participation in IEP team. Only under exceptional circumstances, to be specified in guidelines, consistent with federal and state law, will IEP be developed without parent participation.
5. b. Assoc. Supts., IS&O	5. b. 9/1/99	5. b. No IEPs will be implemented without parent consent.
6. SELPA Director, Assoc. Supts., IS&O	6. 9/30/99 and ongoing	6. IEP notice will encourage participation of student, as appropriate. (a) Principals of middle and high schools will routinely encourage student participation, as appropriate. (b) Student participation and input into the IEP will be documented in the same manner as any other participants.
7. SELPA Director	7. 9/30/99	7. IEP notice will contain all required components, including , but not limited to, date, time, place, and purpose of meeting, and participants.
8. Director, CIPD, Assoc. Supts., IS&O and SELPA Director	8. To Begin 4/1/99 and completed by 1/31/00 and ongoing.	8. All guidelines mentioned above will be disseminated and ongoing training will be provided on the procedural and content requirements of developing and implementing IEPs, including training on ensuring parent participation in IEP meetings and determining what constitutes a substantial loss in services. Principals and instructional staff at all levels, including regular education teachers who are providing a general education environment and/or instruction to students with disabilities, will receive such training. Trainings have already been conducted on April 19 & 20 (8 hours) for program administrators, program consultants, psychologists, DIS staff and other agency personnel, and on May 3 (2 hours) for middle/h.s. special education staff.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
9. Assoc. Supts., IS&O and SELPA Director	9. 9/30/99 and on-going	9. Principals, DIS staff and all other credentialed instructional staff will receive notice that, in developing IEPs, services and placements are to be based upon the individual's assessed needs and that artificial constraints may not be placed upon the IEP process, when such services are legitimate educational services and necessary in order for the student with a disability to benefit from his/her educational program. If the monitoring conducted pursuant to Section VII indicates that any problems exist in this area, specific training will be developed and provided to the non-compliant sites.
10. Assoc. Supts., IS&O	10. To begin 9/30/99 and substantiated in quarterly reports to CDE	10. Principals will ensure that all appropriate staff have access to their students' IEPs in accordance with law. As part of their staff trainings, principals shall inform staff of their responsibility to read, implement and evaluate the implementation of each IEP for which they have responsibility. On a regular basis, to coincide with the schedule of reporting progress to parents of non-disabled students, the special education teachers must review the IEPs and report to the parents on the pupils' progress. (Implementation of IEPs will be monitored as discussed in Section I.)
11. Assist. Supt. SPED and SELPA Director	11. To begin 9/30/99 and quarterly	11. Quarterly validity checks will be made on a random basis to ensure that: (a) special education and related services provided to pupils are designated on the IEP, (b) services are provided in conformity with the IEP, (c) services are provided by qualified staff, and (d) there is evidence of the provision of RSP, SDC, full inclusion, speech and language, counseling, paraprofessional support and OT/PT. Noncompliance shall be addressed pursuant to Section VII -B - 5 of this plan.
12. Assoc. Supts., IS&O	12. 9/1/99	12. Because the IEP includes the initiation dates, frequency, duration, and location, and because parents must attend and participate in the development of the IEP, it is the IEP that fully informs the parent of the initiation, frequency, duration and location of services, prior to implementation. Spec. #1-d. The implementation of IEP services, contents, etc, is monitored through the data collected and reported in Section I of this plan.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
13. Director, CIPD and Assoc. Supts., IS&O	13. 6/30/99	13. Criteria have been established for developing effective school site plans, with specific attention to special populations including ELL, GATE, SPED, etc. Sample school site plans have been developed and technical assistance provided in revising and updating plans, with special emphasis on the coordination of services for special populations, including special education students. The technical assistance documents, in addition to sample plans, include special education compliance checklists for principals and personnel development rubrics.
14. Assoc. Supts., IS&O and SELPA Directors	14. 1/30/00	14. By this date, the Assoc. Supts. of IS&O and the SELPA Director shall have reviewed the current resources allocated to each school site and determine if the resources as allocated are sufficient to meet the needs of each IEP and whether the resources are providing the full continuum of program options. A report will be prepared, and submitted to CDE at the next quarterly report period, and include all actions taken to remedy any site resource deficiencies.
15. Assist. Supt. SPED/PIC, SELPA Director	15. 9/30/99 and quarterly thereafter	15. The SELPA Director will sample records and IEPs from pre-school, elementary, middle and high school students in an attempt to discern whether placement decisions are being made inappropriately on the basis of disability/administrative convenience rather than need. The review may include interviews with IEP team members or others, as appropriate. If evidence of such non-compliant practices exist, staff will be given training, as appropriate, and monitoring will be implemented in accordance with Section VII.

C. Evidence of Compliance: The new IEP format has already been provided to the CDE and a revision made per CDE input. All training schedules, agendas and lists of participants will be available. The guidelines developed will also be available for inspection. The data system established in Section I, above, will track the completion of tasks 3 and 4 above, as well as the participation of parents and students.

Quarterly reports to CDE will provide status and updates on all of the above.

VI. FAMILY PARTICIPATION AND INVOLVEMENT

A. Compliance Findings: Other than the findings on parent consent and participation in the assessment and IEP processes, and notices, etc. in appropriate languages, CDE has made no specific findings in this area. However, SfUSD's own needs assessment indicates a need to place greater emphasis on parent involvement and communication with parents.

B. Corrective Actions: Parents will be actively involved in the special education process from referral, assessment, placement, annual reviews and dispute resolution.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1. IS&O Supts. and Assist. Supt. SPED/PIC	1. 2/28/99	1. While the initial point of entry for any parent is the principal, the district recognizes the need for increasing opportunities and means for parents to obtain information and resolution to concerns. Therefore, the district will develop parent resources which may include a SPED website for parents, resource guide, etc.
2. Assoc. Supts., IS&O and SELPA Director	2. 9/30/99	2. Parents will receive all notices in the appropriate language (parents' rights, assessment, IEP meetings, etc.)
3. SELPA Director	3. 9/30/99	3. District will ensure that qualified interpreters are present at all IEP meetings as needed See Tasks I-B and VII B for data collection and monitoring activities.

Evidence of Compliance: Parents' rights notices, as well as the IEP form have already been translated and are available for review. The data system established in Section I, above, will track compliance with Tasks 2 and 3, above.

VII. COMPLIANCE MANAGEMENT AND MONITORING

A. Compliance Findings: While CDE made no specific findings in this area, it is apparent from SFUSD's own analysis that complaints and other compliance actions have not been efficiently handled, either by CDE or SFUSD. Both CDE and SFUSD have engaged in an uncoordinated, duplicative and redundant paper-shuffle of compliance activities, resulting in an inordinate amount of staff time that has not resulted in positive, systemic change.

B. Corrective Actions: District will develop a systematic method of responding to parent/staff/community complaints at the earliest possible point in time; and will develop a system of self-review and monitoring for ongoing compliance and quality of instruction.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
1. SELPA Director, Dist. Legal Counsel	1. 9/30/99	1. Guidelines to establish a system for identifying problems before they develop into formal complaints will be developed and disseminated to all principals, SSTs and other relevant staff.
2. Dist. Supt.	2. 9/30/99 and ongoing	2. District will develop method of sharing compliance data with the public on an ongoing basis.
3. SELPA Director, Dist. Legal Counsel	3. 9/30/99	3. District will develop guidelines, including methods and strategies, for resolving complaints within 10 days of notification by the CDE that a complaint has been filed, and annual notice of the Uniform Complaint Procedures and local complaints resolution. (a) Current Title 5 regulations governing the Uniform Complaint Procedures require CDE to directly investigate and resolve all complaints addressing SPED issues covered by the IDEA and its regulations. The District will cooperate with CDE in the investigation and early resolution of complaints at the local level (b) A compliance management system has been implemented to track all formal complaints from initiation through resolution.
		4. See Task I-B.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
5. Assist. Supt., SPED, SELPA Director	5. Fall, '99	5. The District will initiate a system of self-monitoring for compliance and quality assurance, using the data system established in Section I, above, CDE's self-review document, and other data points it and/or the CDE identifies as quality indicators. (a) Principals will receive monthly reports on the assessments and IEPs due at their sites. Assoc. Supts. of IS&O will receive copies of the reports highlighting instances of noncompliance, including all reports on implementation, etc. included throughout this plan. Assoc. Supts., Assist. Supts. and Teachers On Special Assignment from IS&O will visit sites to put corrective actions in place (equivalent to Facilitated Focused Monitoring). (b) Sites identified as non-compliant for more than one month will receive technical assistance from PIC administrators who will work with principals to obtain compliance (equivalent to Collaborative Focused Monitoring). (c) Chronic noncompliant sites will be reported to the district Superintendent and Governing Board for appropriate action (equivalent to public disclosure of noncompliance). (d) As the district moves into its voluntary year of Collaborative Focused Monitoring, identified Key Performance Indicators will be measured in order to begin to correlate the relationship between compliance and student outcomes. Relevant KPI's include: Goal I, KPI d. Decrease the disproportion of placement by ethnicity by disability category. Goal III, KPI d. Increase the percent of placement in general education. Goal V, KPI a. Increase the percent of students with disabilities participating in STAR. Goal V, KPI b. Increase the average performance of students with disabilities taking STAR. Goal V, KPI d. Increase the percent of students returning to general education. Goal V, KPI f. Increase the average performance of students with disabilities on measures of literacy.
6. Assist. Supt., SPED, SELPA Director	6. To begin fall of '99 and ongoing until substantial compliance with this plan is met as determined by CDE	6. SPUSD will schedule a minimum of four visits within the '99/00 school year, inviting CDE to participate in monitoring compliance with this plan.

PERSON RESPONSIBLE	TIMELINE	TASKS TO BE COMPLETED
7. Assist. Supt., SPED	7. 6/22/99	7. At the June 1999 Board meeting, the Governing Board reaffirmed the local plan assurances. (SW)
8. Assist. Supt., SPED	8. 5/30/00	8. The District will complete a review of the expenditures and personnel control mechanisms that considers the results of the district audit to ensure that funding appropriated by state and federal governments and apportioned for services for students with disabilities is actually being used for the purposes for which it was intended. This review will result in the development of criteria for the allocation of resources to various sites that is based on the needs of students with disabilities.
9. Supt. and SELPA Director	9. 9/30/99 and quarterly thereafter	9. The SELPA director will review, on a quarterly basis, sign-up sheets and training agendas for all professional development activities conducted to ensure the implementation of the plan. The Superintendent will ensure that participation in the training sessions specified in this plan are mandatory and will require participation in make-up sessions as recommended by the SELPA director from his quarterly review.

C. Evidence of Compliance: The guidelines, methods, models, etc., covered above will be in place by the timelines indicated.

Quarterly reports to CDE will include updates on Tasks 1 -- 5, 7, 8, and 9.

WATER AND POWER REVIEW

Report of the
1999-2000 San Francisco Civil Grand Jury

WATER AND POWER REVIEW

BACKGROUND

The Civil Grand Jury toured the facilities at the Moccasin, California powerhouse and the watershed facilities at the O'Shaughnessy Dam. This Report is intended to alert the Public Utilities Commission (PUC) to some apparent shortcomings involving the facilities and to issues impacting the staff who manage and maintain the properties. Due to repair work to the roadbed leading to Hetch Hetchy, the Civil Grand Jury had to delay its visit to the facilities until May 2000. Since our visit occurred near the end of our term in office, it was not feasible to adequately investigate and report on the apparent shortcomings discussed below. It is suggested that the 2000-2001 Civil Grand Jury consider the conducting of a further review or investigation.

1. Moccasin Powerhouse Facilities

The City owns 44 residential houses at the village. Twenty-one houses, with one exception, are currently occupied by City employees. These houses are rented to City employees at below market rental rates. Apparently, during the past ten years or so, the houses were not re-rented as they became vacant while awaiting completion of a study by the PUC as to whether the homes should be rented to the general public and employees at current market rental rates. The vacant houses are deteriorating. Roofs have not been repaired, and water leaks are damaging the properties. The houses are not insulated, have single-pane glass windows and use electric heaters at high cost to provide heat. Based on a review of PUC minutes, it appears that the PUC has been working on developing a housing policy since at least January 1993.

The City benefits by renting to employees, in that they can be called upon to respond to emergencies at the powerhouse and their presence helps to prevent vandalism at the powerhouse and the rest of the City-owned facilities, including housing.

The PUC should conclude its study and take action to determine how the houses will be used. All of the houses require upgrading to current standards. The Civil Grand Jury believes that renting the houses to employees at a discount, due to the remoteness of the location, and the unavailability of housing near the powerhouse, makes more sense than a policy which would introduce outsiders to an area vulnerable to vandalism and possible terrorism directed at the powerhouse. The ability to have employees on site to respond to emergencies is a reasonable trade-off to providing subsidized housing.

Because of their place of employment, employees who work at the Moccasin Powerhouse and at the nearby Hetch Hetchy facilities are disadvantaged with respect to exercising their options to fully participate in various health plan

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options enjoyed by other City employees. There is no Health Maintenance Organization (HMO) operating in the area, thus restricting employees to large deductibles and co-payments under the City basic health plan. Consideration should be given to adopting a plan with similar benefits to an HMO for employees who are unable to elect to participate in a local HMO. The Civil Grand Jury believes that employees who accept employment in remote locations should not be financially disadvantaged because of the locale of their place of employment.

2. O'Shaughnessy Dam

The Hetch Hetchy watershed currently supplies the San Francisco Bay Area with approximately 240 million gallons of water a day. It is the main source of water for San Francisco (approximately 80 percent) and numerous other Bay Area water users. In the event of disruption of the water being supplied, San Francisco and the other users would sustain significant and perhaps long lasting economic and personal consequences. Businesses and residents who rely on this resource could be severely impacted. Our limited review of the facilities indicated the following potential problems:

1. Staff manually operate valves that control the amount of water released at the dam. A prolonged rainfall and/or snow melt can result in rapid filling of the dam. It can take up to 12 hours to open all valves to allow sufficient water release to protect the dam and surrounding area from flooding were the dam to exceed its normal capacity. An electronically-operated system could reduce the valve opening time to 1 to 2 hours.
2. It appears that the emergency plan designed for the dam may never have been tested. Also, onsite employees have not been given any training with respect to the plan.
3. In the event of a potential emergency at the dam, onsite staff have to contact and obtain authorization from multiple levels of management before approval to deal with a perceived emergency is granted. The chain of command for making decisions in the event of an emergency should be streamlined to provide for a quick response to requests for authorization. There should be a 24-hour standby manager identified for any emergency situations, and the onsite staff should be updated daily as to the name and contact method for reaching that manager.
4. Daily waterflow control is in part maintained by resort to historical records, which are manually accessed to determine the number of valves to be opened and amount of water to be released through each valve. This is done by determining how wide the valve should be opened, physically

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opening the valve, and then physically inspecting the flow from a site downstream from the dam and reading waterflow measurements at the downstream site.

One employee performs all the daily functions at the dam. Consideration should be given to technologically upgrading the process. There is too much reliance on one employee performing all the functions. In the event of injury or illness, the sole employee has no ability to seek help from certain areas within the dam. Cellphones do not operate from within the dam and there are no hard-wired telephone lines or phones at various worksites within the dam. Work within the dam requires climbing up and down ladders to reach various levels. In the event of injury, it could take hours to render assistance to the injured employee from the time of notification. The risk to the employee and to the operation of the dam appears to be unacceptable.

SYSTEM UPGRADES

Repairs and seismic upgrades to the Hetch Hetchy Water System have been estimated to range between \$2-3 billion. The cost, if passed on to ratepayers, would result in at least a doubling of current water rates. The City currently realizes revenues from power sales from the water system, one-half of which goes into the general fund and the balance used to maintain the system. Capital improvements are needed and should be funded in order to avert a potential disaster due to an earthquake or deterioration to the system. Consideration should be given to evaluating the construction of a dual system using current seismic standards in addition to upgrading the existing system. Delaying the implementation of upgrades is likely to result in increased expense and subject the City to unnecessary risk of water system failure. The need for upgrading the system appears obvious to this Grand Jury and work should be funded and commenced as quickly as possible.

CONCLUSIONS AND RECOMMENDATIONS

Recommendation (1)

The PUC should conclude its housing study and take action to determine how the houses will be used. All of the houses require upgrading to current standards. The Civil Grand Jury believes that renting the houses to employees at a discount, due to the remoteness of the location, and the unavailability of housing near the powerhouse, makes more sense than a policy which would introduce outsiders to an area vulnerable to vandalism and possible terrorism

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directed at the powerhouse. The ability to have employees on site to respond to emergencies is a reasonable trade-off to providing subsidized housing.

Required Response

The PUC

Recommendation (2)

Consideration should be given to adopting a plan with similar benefits to an HMO for employees who are unable to elect to participate in a local HMO. Employees who accept employment in remote locations should not be financially disadvantaged because of the locale of their place of employment.

Required Response

The PUC

Recommendation (3)

Consideration should be given to installing an electronically-operated system to open and close valves that control the amount of water released at O'Shaughnessy Dam.

Required Response

The PUC

Recommendation (4)

Regarding dam safety plans, if the plans have not been tested then they should be. Training with respect to the plan should be given to onsite employees. The chain of command for action authorization should be streamlined.

Required Response

The PUC

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Recommendation (5)

Regular operations at O'Shaughnessy Dam should be improved by giving consideration to technologically upgrading the process. There is too much reliance on one employee performing all the functions. In the event of injury or illness, the sole employee has no ability to seek help from certain areas within the dam. In the event of injury, it could take hours to render assistance to the injured employee from the time of notification. The risk to the employee and to the operation of the dam appears to be unacceptable. These risks should be evaluated and mitigated.

Required Response

The PUC

Recommendation (6)

Capital improvements to the Hetch Hetchy Water System are needed and should be funded in order to avert a potential disaster due to an earthquake or deterioration to the system. Consideration should be given to evaluating the construction of a dual system using current seismic standards in addition to upgrading the existing system. Delaying the implementation of upgrades is likely to result in increased expense and subject the City to the unnecessary risk of water system failure. The need for upgrading the system appears obvious to this Grand Jury and work should be funded and commenced as quickly as possible.

Required Response

The PUC

